

IN BOARD OF SELECTMEN
MONDAY, AUGUST 22, 1983

Present: Chairman John E. Murray, Anne W. Donald and Myron J. Fox.

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

Tax Anticipation Notes

Present: Town Treasurer Chester Hamilton and Town Clerk Jean M. MacKenzie

Following a brief discussion, it was on motion by Chairman Murray unanimously

VOTED: To confirm the Board's telephone vote of August 10, 1983, authorizing the borrowing of \$3,000,000 in Tax Anticipation Notes, as requested by the Town Treasurer in his communication of August 10, 1983.

At Mr. Hamilton's request, the Board agreed to sign the Tax Anticipation Notes in the office, Monday, August 29 (or when received) since the Board will not be meeting again until September 12.

Utility Petition

Present: Robert L. Blake, Boston Edison Company.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered Utility Petition #83-9 of Boston Edison Company 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:

Puffer Lane - easterly approximately 200 feet north of Haynes Road, a distance of about 10 feet - conduit.

Executive Secretary Richard E. Thompson stated that all appropriate abutters had been notified and that a joint favorable report dated August 3, 1983, had been received from the Building and Wiring Inspectors.

Following a brief explanation by Mr. Robert L. Blake of Boston Edison, it was on motion by Chairman Murray unanimously

VOTED: To approve Utility Petition 83-9 of Boston Edison Company, as described above and as shown on a plan entitled, "Plan of Puffer Lane - Sudbury, Showing Proposed Conduit Location", dated June 21, 1983.

Department of Revenue Regulations

It was on motion by Selectman Fox unanimously

VOTED: To acknowledge receipt of a communication dated August 10, 1983, from the Department of Revenue outlining the provisions of the Revenue Enforcement and Protection Program (REAP) and implementation of the same, as enacted by

Sections 35 and 36 of Chapter 233 of the Acts and Resolves of 1983, effective July 1, 1983, and to authorize the Executive Secretary to proceed with the notification of those regulations through Town Counsel's office to all Town Boards and Departments; namely, that an annual report/list of licensees or providers of goods, services or real estate space be submitted to the State Department of Revenue, and an attestation clause by the Licensee and/or provider stating compliance to State laws relating to taxes accompany every application, renewal form or contract bid.

Inflammable Storage License Application - V.S.H. Realty, Inc.

Present: Applicant Richard Longton, V. S. H. Realty, Inc.; Richard Skarinka and Bruce Ey, Schofield Brothers Engineers.

Chairman Murray convened a public hearing on the application of V. S. H. Realty, Inc., of Dedham for a license to store inflammables as follows: underground, 24,000 gallons gasoline, and aboveground, 100 gallons miscellaneous petroleum products, on property located at 470 Boston Post Road.

Executive Secretary Richard E. Thompson stated that all appropriate abutters had been notified by certified mail and that the following communications had been received:

- from the Building Inspector, dated August 17, 1983, recommending approval;
- from the Fire Chief, dated August 11, 1983, recommending conditional approval; and
- from the Board of Health, dated August 22, 1983, disapproving the increase in storage on this site.

Mr. Thompson explained that the Board of Health's denial was based on its recent vote not to allow any increased inflammable storage in the aquifer area, which includes the above-noted property.

Mr. Thompson added that when the Selectmen acted on the site plan (#83-260) of V. S. H. Realty, Inc., they were cognizant of the increased storage application to follow.

Mr. Longton stated that the Fire Chief had signed the inflammable storage application and that it was his understanding that V. S. H. Realty, Inc., had worked in cooperation with all the various boards including the Board of Health by including the observation wells throughout the perimeter of the tank fields. He stated his opinion and that of the Fire Chief's that to minimize deliveries and improve the quality of the underground containers to a non-corrosive substance is advantageous to the Town as well as the applicant. Minimizing deliveries, he stated, also minimizes the human error in transporting and servicing tanks.

Responding to Selectman Donald, Mr. Longton confirmed that the Fire Chief is aware of exactly what is being stored; also, that the Town bylaws require the presence of the Fire Chief during installation.

Selectman Fox stated that it would have been good for the Selectmen to know about the Board of Health's new policy when they were addressing the site plan; in terms of approving the increased storage license, he felt that the quality of the newer tanks is an important factor, but, that without further input from the Board of Health, he would not be in favor of the application.

Following further discussion, Selectman Fox expressed his opinion that the most important point is not the convenience of the Board of Selectmen or the convenience of the applicant but the safety of the Town and, therefore, felt the Board of Selectmen should take whatever extra time was necessary to be sure that the Board of Health's guidelines are met or that the Board of Health should determine whether this applicant is an exception to those guidelines.

Mr. Longton stated that if a petroleum product gets into an aquifer area, regardless of the amount, the same remedial action is necessary, that V.S.H.'s proposal was before the Board of Health through all the proceedings and reviews including the size of the container and the operations of the facility, and it was the Fire Chief who was primarily responsible for fire prevention and the protection of the safety of the public, and that by signing the application the Fire Chief agreed to the placement of fiberglas tanks which he preferred instead of the old steel vessels that are presently in existence. Mr. Longton went on to say that people in the petroleum business agree that the most dangerous position for petroleum is above ground and larger tanks minimize the number of deliveries and the number of tank trucks traveling our highways carrying vapors back to terminals. Also, he added that the new tanks will be equipped with all the latest vapor recovery requirements that are in effect, and that, in some respects, the suggestions of the Board of Health to minimize the expansion of quantities are lacking since the old vessels do not have these precautions.

Following remarks by Chairman Murray it was on motion by him unanimously

VOTED: To direct the Executive Secretary to contact the Health Director and/or the Board of Health Chairman for further clarification regarding the letter of August 22, 1983, disapproving the inflammable storage application of V.S.H. Realty, Inc., for property located at 470 Boston Post Road, as noted above, and if after additional input warrants taking a telephone vote tomorrow, August 23, as follows:

To grant V.S.H. Realty, Inc., of Canton, Massachusetts, a license to store inflammables in accordance with its application dated July 27, 1983, and plan submitted therewith, as follows:

Underground, 24,000 gallons gasoline; and
Aboveground, 100 gallons miscellaneous petroleum products; on property located at 470 Boston Post Road.

This license shall supersede the license under Town Clerk's Document #57069 and any other previously issued for this location, and shall be subject to the requirements, conditions and restrictions of General Laws Ch. 148 and Section V.25 of the Sudbury Bylaws, and tank installation (and removal of old tanks) under the direction of the Fire Department, in accordance with the Fire Chief's letter of August 11, 1983.

Site Plan 83-266, G. Burton Mullen, 23 Union Avenue

Present: Building Inspector Joseph E. Scammon; Town Engineer James V. Merloni; Olga P. Reed, Planning Board; Applicant G. Burton Mullen; Walter Hall, Vice President, Bay Bank Middlesex; Bruce L. Ey and Richard Skarinka, Engineers, Schofield Brothers, Inc.

Chairman Murray convened a public hearing on Site Plan 83-266 of G. Burton Mullen, for property located at 23 Union Avenue, Business District #5, for a kiosk-housed automatic bank teller machine.

Executive Secretary Richard E. Thompson stated that all appropriate abutters had been notified and noted receipt of the following communications following the Planning Board's presentation;

- from the Town Engineer dated August 5, 1983, conditioning approval on the following: 1) that the General Note, #12, on the site plan, which states that the driveway and parking area will be paved with three inches of bituminous concrete paving, be noted on the drawing portion of the site plan; 2) that the entrance and exit on Union Avenue at the existing gravel parking lot located to the north of the access drive be closed, requiring the user of the parking lot to enter and exit on the new proposed drive, in order to cut down on the number of driveway openings in a short distance along Union Avenue; 3) the storm drainage system appears adequate - the Town Engineer recommends revisions to provide access across it for a service drive between the gravel parking lot and the proposed driveway as noted above; 4) proper landscaping; and 5) an Order of Conditions issued by the Conservation Commission;
- from the Building Inspector, dated August 18, 1983, recommending approval and suggesting low yews be placed along the twenty-five feet of frontage between the access drive and the property line;
- from the Board of Health, dated August 10, 1983, recommending approval subject to the Town Engineer's concern regarding drainage;
- from the Conservation Commission, dated August 5, 1983, attaching an Order of Conditions issued as a result of its hearing on July 18.

Planning Board Chairman Olga P. Reed appeared representing the Planning Board which had just acted on the site plan - the vote was two to one in favor of disapproval. (Mrs. Reed said that she would submit the Planning Board's recommendation in writing.) The Planning Board's decision was based on the following: 1) concern

regarding traffic circulation and the congestion created by four entrances/exits in a short space on Union Avenue (two proposed, two existing at a gravel parking area owned by Mullen) and 2) the Planning Board is aware of the Conservation Commission's Order of Conditions; however, Mrs. Reed called to the Board's attention a July 17, 1974 communication from the then Chairman of the Conservation Commission determining that the maintenance and clearing of a drainage ditch, located East of Union Avenue and running approximately one thousand feet to a culvert under the Boston and Maine Railroad tracks which parallel Station Road, is not subject to the Wetlands Protection Act - that any alteration (e.g., piping of any portion of the ditch, filling or dredging of the pond area) other than routine maintenance will require filing of a Notice of Intent and a public hearing. Mrs. Reed commented that she felt, based on the above, that Mullen Lumber had, without due process of law, filled and expanded the Mullen business by changing the drainage flow and causing the stagnation in the pond behind the Sudbury House, and that this situation should be brought forward now and taken into consideration by the Board before acting upon the site plan. Mrs. Reed added that, in speaking to the Town Engineer, she learned he had planned to put a drain under the railroad track but is not able to do so because that area had all been filled by Mullen.

Engineer Richard Skarinka of Schofield Bros. Engineers, explained that the site is located six hundred feet north of the intersection of Union Avenue and Route 20 on the westerly side of Union Avenue. It is presently undeveloped. There is some upland wetland vegetation. Mr. Skarinka stated that surface runoff is onto Union Avenue, but that during periods of heavy rainfall there is a buildup in the ditch area which is essentially stagnant. What the Town has proposed, he continued, in the re-construction of Union Avenue drainage, is to provide a twenty-four inch out pipe and headwall to drain the area into the Union Avenue drainage system.

Responding to Selectman Fox, Mr. Skarinka stated that they are proposing to extend into the Union Avenue drainage system based only on flood levels and storage levels allowed by the Town.

Chairman Murray commented that when the widening project on Route 20 goes forward, that will include new drainage on Route 20, and that eventually the Union Avenue drainage will tie into it alleviating some of the Union Avenue drainage problems.

The Town Engineer stated he had no problem with the drainage aspect of this site plan, stating further that when the new drainage system was designed for Union Avenue, new future development was taken into consideration.

Addressing the traffic issue, Mr. Walter Hall, Vice President of Bay Bank Middlesex, explained that it is his hope that the added service provided by the installation of this additional machine (one is located and will be removed on the opposite side of the street) will help alleviate some of the traffic problems along Union Avenue.

Following further comments, it was on motion by Selectman Fox unanimously

VOTED: To approve Site Plan 83-266 of G. Burton Mullen, owner of property located at 23 Union Avenue, as shown on a plan entitled, "Site Plan of Land in Sudbury, Mass.", dated June 14, 1983, subject to compliance with all governmental laws and regulations including, but not limited to, zoning, building, and health laws and regulations, and further subject to the following conditions:

- 1) the Town Engineer's letter of August 3, 1983, including his recommendation that it be noted on the drawing portion of the site plan that the driveway and parking area will be paved with three inches of bituminous concrete paving;
- 2) the building Inspector's recommendation under date of August 18, 1983, that low yews be planted along twenty-five feet of street frontage between the access drive and the property line; and
- 3) an Order of Conditions issued under the Wetlands Protection Act (D.E.Q.E. File No. 301-117) by the Conservation Commission, submitted under cover letter dated August 5, 1983.

Site Plan 83-265 - Project Management, Inc., Lot 1A Powder Mill Road

Present: Brian Pettigrew for Project Management.

At the request of the applicant and following a brief discussion it was on motion by Chairman Murray unanimously

VOTED: To table by mutual consent site plan 83-265 of Project Management, Inc., for property located at Lot 1A Powder Mill Road, to immediately following the scheduled 9:00 p.m. hearing relative to a proposed change in traffic patterns for the Powder Mill and Powers Roads area.

Railroad Crossing - Route 20 at Nobscot Road

In accordance with a recommendation from the Executive Secretary dated August 10, 1983, it was on motion by Selectman Fox unanimously

VOTED: To petition the Massachusetts Commissioner of Public Works for consideration under the Federal Highway Crossing Program for rehabilitation of the railroad crossing surface on State Highway Route 20 at Nobscot Road, in accordance with M.G.L.c.84, s.1, as amended.

Transfer Request

It was on motion by Selectman Fox unanimously

VOTED: To confirm the Board's telephone vote of August 15, 1983, approving a Request for Transfer, dated August 11, 1983, from the Reserve Fund to Account 340-12, Building Overtime and Extra Hire, in the amount of \$4,000 for custodial and secretarial coverage, and as further explained on the dated transfer.

Site Plan Scale - Maynard Rod & Gun Club

It was on motion by Selectman Donald unanimously

VOTED: To confirm the Board's vote of August 5, 1983, granting permission to the Maynard Rod & Gun Club to submit a site plan with a scale of 1"=40', in accordance with a request dated August 4, 1983, from the Maynard Rod & Gun Club and the verbal concurrence of the Building Inspector and the Town Engineer on August 4, 1983.

Sign Site Plans

It was on motion unanimously

VOTED: To note the signing of the following site plans:

- a. SP83-262, S. F. Doyle and Co., 321 Boston Post Road on July 11, 1983; and
- b. SP83-258, John Patti and Charles Orr, 215 Boston Post Road on August 15, 1983.

MCAB Communication

The Board acknowledged receipt of a communication dated August 9, 1983, from the Middlesex County Advisory Board relative to appointing Town Designee(s) to the MCAB, Supplemental Appropriations for FY83 and FY84, a legislative update, meeting information, and county personnel changes.

It was on motion by Selectman Murray unanimously

VOTED: To authorize the Executive Secretary to complete and return to the MCAB the FY84 membership form, which was enclosed with the above-noted information, designating Selectman Anne W. Donald as Middlesex County Advisory Board member and Committee member.

Civil Service List 83-1158

On the subject of Civil Service Certification List 83-1158, dated August 9, 1983, for the appointment of one permanent fulltime police officer, Executive Secretary Richard E. Thompson updated the Board stating that only one of the officers listed had expressed willingness to accept and that he would proceed to interview him sometime in the near future.

The Board directed and authorized the Executive Secretary to return the Certification List, signing all documentation related thereto, to the Division of Personnel Administration, stating that at the present time there is no patrolman vacancy in the Sudbury Police Department.

Responding to Selectman Donald who questioned the attachment to the Certification List showing three additional names, Mr. Thompson responded that the only reason he could think of for providing two separate lists is probably a procedural requirement on the part of Civil Service, the second list being an older Reserve Officer list and giving those listed a final opportunity to show interest.

Resignation - Council on Aging

It was on motion by Chairman Murray unanimously

VOTED: To accept a letter of resignation dated August 16, 1983, from Rev. Robert G. Trache from the Council of Aging, effective immediately, and directed the Executive Secretary to forward an appropriate letter of appreciation on behalf of the Board to Reverend Trache.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of August 1, 1983, as amended.

Later in the evening, it was on motion unanimously

VOTED: To approve the minutes of the Executive Session of August 1, 1983, as amended.

Plaque - Sudbury, Ontario

Selectman Donald briefly stated that she had represented the Town of Sudbury at the invitation of Sudbury, Ontario, Canada, by attending their Centennial Celebrations and presented to the Town of Sudbury a plaque which had been forwarded from Sudbury, Ontario, commemorating that event.

Wayland Landfill Report Request

At the suggestion of Selectman Donald, the Executive Secretary stated that he would contact the Town of Wayland for an updated report on the success of that Town's contract for the private running of its landfill.

Committee on Town Administration

The Selectmen had discussed abolishing the Industrial Development Commission some time ago, and Selectman Donald suggested that this might be an area for the Committee on Town Administration to investigate. The Board directed Mr. Thompson to request them to do so.

Mosquito Spraying - (Encephalitis - EEE)

For the purposes of updating the Town relative to mosquito spraying, the Executive Secretary reported that, from conversation with the Health Director, the Town has been spraying regularly in the major lowland areas and other areas on a complaint and/or regular basis all summer. However, since the outbreak of encephalitis the whole Town was sprayed last Saturday and known trouble spots on a continuous basis. Also, there are several traps located in Town for gathering mosquitos for testing purposes. Mr. Thompson stated that there is a meeting in Waltham tomorrow morning at 10:30 a.m. at which our area - East Middlesex Control Communities, will take a vote as to whether or not to proceed with aerial spraying. Mr. Thompson further stated that there should be some immediate "feed-back" to the general public tomorrow and most likely information in The Middlesex News by Wednesday.

Mr. Thompson said that flyers on mosquitos and EEE are available in the Town Hall and the Health and Selectmen's offices.

Public Hearing - Powder Mill (and Powers Road)

Present: Brian Pettigrew, Project Management; Town Engineer James V. Merloni; Police Administrative Assistant Peter Lembo; Fire Chief Michael Dunne; Members of the Citizens for the Safety of Our Streets Committee (SOS); and approximately one hundred area residents.

Chairman Murray convened a public hearing relative to a proposed change in the traffic pattern for Powder Mill and Powers Roads, and stated the ground rules for conducting the hearing.

Executive Secretary Richard E. Thompson corrected information in his August 15 notice to residents of this public hearing - the September 7 hearing is on Digital, et al's (not Sudbury's) request for Summary Judgment; and he referenced a communication with attachments, dated August 20, 1983, from the SOS Steering Committee urging the Selectmen to reject Project Management's proposal until the traffic safety issue is resolved.

On behalf of Project Management, Mr. Pettigrew's presentation included a review of events leading to his current proposal; namely, the history dealing with the site plan submitted on the property that he now owns - approvals and denials, specifically the matter precipitating this proposal being discussed tonight, Article 25 of the 83ATM to discontinue Powder Mill Road. That action was taken based on information that Powder Mill Road was a Town way but Maynard and Digital produced evidence which indicated Powder Mill Road was laid out by the County in 1785 and this preceded all earlier information.

With the use of maps/plans of the area, Mr. Pettigrew explained his proposal:

- 1) To widen and improve Powder Mill Road and repave at a twenty-four foot wide base within the existing right-of-way;
- 2) to improve Powder Mill Road intersections with Powers Road and Route 117 closing the short section of Powers Road from Route 117 to Powder Mill Road and the tiny portion creating a triangle between Powers and Powder Mill Roads, so that the Powers and Powder Mill Road intersection will be a ninety degree angle (with stop signs), and correct to a ninety degree intersection Powder Mill Road and Route 117 (yield sign on Powder Mill), which he understood to be a Town right-of-way, making a good intersection with Mossman Road across Route 117.
- 3) to make Powers Road, from Cedar Creek Road to Powder Mill Road, one way.

Mr. Pettigrew stated that Digital, Maynard, Town Counsel, the Selectmen, SOS, the Fire Chief and Police Administrative Assistant, as well as the State Department of Public Works all knew about the plan, but that tonight's is the first formal public review of the plan.

Mr. Pettigrew introduced Mr. Anthony DiSarcina of Segal DiSarcina Associates, Transportation Consultants.

Mr. DiSarcina submitted a traffic reconnaissance study dated August 18, 1983, which he reviewed, and concerning those traffic counts, explained the traffic impact with construction of the first building (22,000 square feet), between thirty-eight and forty vehicle trips during peak hours, and the impact with construction of the second building (50,000 square feet), between one hundred fifteen and one hundred twenty-five vehicle trips during peak hours.

In conclusion, Mr. DiSarcina expressed his opinion that with a good design of the access driveway and the small number of cars predicted for the first phase of development, the present road can handle the increase and that with a twenty-four foot road there would be no problem in handling the second phase of development. Further comments indicated his agreement to the proposal with perhaps a thirty-day trial period on the one-way suggestion.

Chairman Murray commented that making a road one way could increase the amount of traffic in that one direction. Mr. DiSarcina stated sometimes there is a slight increase in speed because of no opposing traffic, but the volume is a function of where the return trip is.

Mr. Pettigrew commented further that it is not intended that this proposal would bear any cost to the Town and that on the question of Project Management and Digital picking up the total cost of the project, Project Management would pay a portion and Digital would also participate; however, he could not speak tonight for Digital, but was only relaying information he learned from speaking with people at Digital.

Later in the evening, Mr. Peter Gallerani, 22 Cedar Creek Road, questioned Digital's interest in spending such a large amount of money on a "Town" road. Mr. Pettigrew stated that Digital had expressed to him their concern for their employees using Powder Mill Road and feel responsible enough to agree to participate in the cost of making the road more safe.

Atty. Bruce Quirk, representing Esther Adams (Mary E., of 484 North Road) as paid attorney, stated that in his brief research their position is there is no existing right-of-way or easement across land owned by his client. He had some documentation from the Town Surveyor George D. White to the Selectmen in 1963 with attached map showing that North Road (Route 117) had been laid out as a county road in 1925 with no evidence of a driveway or roadway leading from North Road to Powder Mill Road through land of Esther Adams. Clarifying on question by Selectman Fox, Atty. Quirk indicated that there was no documentation showing a Town way or Town property there, and that there is only a utility easement on that property granted to Edison.

Mr. Quirk stated further that his client would resist a taking by eminent domain for this plan to go forward. Later in the evening Atty. Quirk commented as a resident that Digital should have been represented tonight to state whether or not they plan to participate in the cost of improving Powder Mill Road.

Mr. Richard Venne, 12 Mayberry Road, stated that he was a Selectman in 1963 and that there were plans at that time to put in a Town road, and at that point, the Selectmen asked the then Town Surveyor, George White, to look into it. He determined that the land was not owned by the Town and never laid out by the Town. The 1925 layout by the county engineer shows that the land is not a town way. At one time, he continued, for the purposes of mail delivery, there was an appearance of a road which people later assumed to be a town way. In 1963, the Selectmen advised Miss Adams to no longer allow vehicular passage there and her mail was then hand-delivered.

Mrs. Joyce Fantasia, 15 Willard Grant Road, disputed the traffic study stating that it does not consider the total development which will be twenty-eight times the size of the Star Market Plaza!

Responding to the Selectmen, Town Engineer James V. Merloni stated that he and former Town Surveyor, George White, obviously have a difference of opinion - an issue which needs to be addressed further. Commenting on Mr. Pettigrew's proposal, Mr. Merloni agreed with the concept of the intersection improvements and the widening to twenty-four feet, but disagreed with the one-way traffic configuration, stating that usually this is done when there are "sister" (parallel) streets. Another objection he reiterated, is the general increase in speed on one-way streets, which would make Powers Road an even more dangerous street and create, in this case, an additional traffic burden on Cedar Creek. Warning signs might go unheeded and there is no potential or capability of having illuminated signs.

Mr. Robert Gottberg, 89 Mossman Road, stated that the key point is whether or not the Selectmen have determined Powder Mill Road to be a county or a Town road - the determining factor on how to proceed. Chairman Murray stated that the Selectmen cannot comment on that because of pending litigation; that determination, he stated, will be made through the pending litigation.

Mr. Steven Robinson, 142 Powers Road, agreed with Mr. Gottberg and stated that the issue of whether Powder Mill Road is a county or a Town way should have been made before tonight's meeting and that, when he hears about stop signs and lights, he thinks of many more cars than "30 per day"!

Chairman Murray responded that tonight's meeting was requested by the developer to hear his proposal and scheduled by the Selectmen in order to hear from area residents.

Responding to Chairman Murray, Maynard Selectman Chairman Robert Gilligan stated he was in attendance tonight only to hear Sudbury's concerns, that the Maynard Selectmen had not formally studied this new proposal but that they strongly feel the road should remain open.

Dr. Joseph Adolph, 120 Mossman Road, felt there has been mis-information on this subject and indicated that it may be because the two issues - the traffic flow and whether there is going to be a development - have been discussed together, which he stated, appears to him to be an attempt to stop the developer at any cost. Dr. Adolph questioned the credibility of the SOS, expressing his opinion that they supplied erroneous information, i.e., that the Town could close the road, that it would cost Two Million Dollars to correct the intersection at Powder Mill Road and Route 117, and that Concord's 700,000 square foot development would impact on Powder Mill Road. Dr. Adolph stated that the Selectmen had indicated to Town Meeting, under Article 25, "to vote to close Powder Mill Road" that Maynard had no objection. He felt that the proper time for the Selectmen to have a Town traffic study completed was before the Selectmen said they agreed with the closing, that there should be a Town traffic study, not one done by SOS or Project Management, and that he could not understand why the Selectmen had recently refused to accept a free county traffic study for this whole area.

Later in the evening, Selectman Fox took exception to criticism by Dr. Adolph that the Selectmen lack leadership, waiting for others to do the work they should be doing in resolving the issue. Selectman Fox repeated his previous, lengthy conversation with Dr. Adolph, at which time he stressed the fact that Article 25 was a petition article which came before Town Meeting, and that the then Board of Selectmen supported the efforts of the Powder Mill Road neighborhood and Project Management, and that once Town Meeting voted, it became the Selectmen's responsibility to carry out the wishes and desires of the Town's legislative body. Selectman Fox went on to say that the Selectmen at no time balked at discussing any compromise solution to the Powder Mill Road problem, and that they still have an open mind and will continue to seek a resolution; but on the other hand, it must concurrently proceed with resolution of litigation. A traffic study now or in the future may never resolve the current issues with the neighborhood and the developer, Selectman Fox continued, however, he personally, as a Selectman, has

stated that a review of the matter from a regional point of view has merit, but that we are currently involved in litigation. In final response to Dr. Adolph, Selectman Fox took offense to his comment that the Selectmen lacked leadership and did not do a traffic study, because an understanding of the legislative process shows that the Selectmen must execute the dictates of Town Meeting. Lastly, speaking for the Board, Selectman Fox stated again, as he has in the past, that the Selectmen welcome any thoughts, comments or plans to resolve this matter amicably to all parties concerned.

Chairman Murray stated that the Selectmen did have knowledge of, and were presented with data from, a traffic study done in the area by the towns of Maynard and Concord (reference: March 15, 1983 meeting with Maynard Board of Selectmen).

Mr. Steven Ellis, 63 Powers Road, defending SOS, stated that the only issue they are concerned with is the issue of the safety of the residents in the area; that they have always agreed that the developer has the right to use the land as zoned but questioned if the neighbors would be able to use the streets after that development. He further commented that the traffic study presented tonight does not address the question that they came for originally which is the safety of the streets, because it does not take into consideration the entire development on Powder Mill Road, but only addresses two phases of development by Project Management.

Chairman Murray attempted to get a feeling from those in attendance of how they felt about the proposal. It appeared from hands shown that there was a minority in favor of widening Powder Mill Road or improving the intersection at Route 117 and there was no-one in favor of Powers Road being one way.

Mr. Pettigrew stated he owns thirty-eight acres of Limited Industrial land on a road that is inadequate and the question is how many more years it will take to debate this problem. He stated his proposal appears to be a potential method to improve the road at no cost to the Town, that they tried to do a thorough job to improve a well-rounded proposal which will adequately take care of today's problems, and, hopefully, some of the future problems on Powder Mill Road.

Following further comments by area residents, Selectman Fox remarked that the Selectmen should continue to support Town Meeting vote under Article 25 to discontinue Powder Mill Road, and proceed with pending litigation, understanding that Town Meeting action may not have been the best solution to the problem, especially from the regional standpoint, but the only solution at the time which would limit putting too many cars on small residential streets (Powder Mill and Powers Roads). He stated his willingness to listen to any other proposals from Digital, Maynard, or anyone else.

It was on motion by Selectman Fox unanimously

VOTED: To reject developer Brian Pettigrew's proposal regarding traffic patterns in the Powder Mill/Powers Roads area, with its three components, at this time, keeping the door open for further discussion; and to continue with litigation, complying with the 1983 Annual Town Meeting vote under article 25 to close Powder Mill Road.

Site Plan 83-265 Project Management, Lot 1A Powder Mill Road

Present: Brian Pettigrew, Project Management; Fire Chief Michael Dunne; Town Engineer James V. Merloni; and approximately 30 residents.

Chairman Murray convened a public hearing on Site Plan 83-265 of Project Management, Inc., for property known as Lot 1A, Powder Mill Road, Limited Industrial District #2, for the construction of a two-story building, continued by mutual consent on July 25, 1983.

Executive Secretary Richard E. Thompson stated that all appropriate abutters had been notified and noted receipt of the following communications:

- from the Town Engineer, dated July 22, 1983, recommending approval conditioned on the following: submission of a detailed landscape plan, the catch basin located in the southeast corner of the parking lot is to be constructed with a double grate; the issuance of a permit from the Board of Health for the septic system; and the granting of an Order of Conditions from the Conservation Commission;
- from the Building Inspector, dated July 15, 1983, recommending approval;
- from the Conservation Commission, dated July 20, 1983, determining that a Wetlands Protection Act hearing is required;
- from the Fire Chief, dated July 21, 1983, recommending the following: that only one barrier be erected at one cul-de-sac, not two, and not be locked at any time; that the dumpster located against the building be moved away; and that the building be sprinklered;
- from the Health Director, dated July 21, 1983, stipulating the following: that the sewage system specifications and requirements be designed in accordance with the Massachusetts Environmental Code, Title 5; that Town water be supplied; that a report be submitted regarding any toxic or hazardous chemicals that will be generated or stored; and that a monitor well be installed on the property under the direction of the Town Engineer;
- from the Planning Board, dated July 25, 1983, recommending disapproval based on unresolved safety issues and litigation, and the residential character of Powder Mill Road;

- from the Citizens for the Safety of Our Streets Committee (SOS), dated August 20, 1983, urging disapproval until the traffic issues have been resolved; and
- from the Board of Appeals, received July 20, 1983, noting its decision after a hearing held on July 5 to grant a variance from Section IV,B of the Zoning Bylaw for insufficient residence zone setback, with conditions, for Lot #1 (since redesignated Lot #1-A).

Mr. Pettigrew explained the site plan - a proposed 22,000 square foot, two-story building, the construction of two cul-de-sacs on Powder Mill Road and the traffic patterns, parking, the variance which was granted by the Board of Appeals for insufficient residential zone setback, how the plan includes the deeding of a buffer parcel to the Conservation Commission; also, drainage easements, a construction easement, an easement to the Water District on Lots 4R-A and 1R-A, and an easement to the Town for the use of the cul-de-sac on Lot 1-A.

Responding to Selectman Fox, and clarifying the foregoing, Mr. Pettigrew stated that, on the accompanying subdivision plan, the areas being deeded to the Town are shown as Lot 4R-A and Parcel B. There are also two easements to Project Management from the Town for drainage purposes and one for maintenance of the building and grounds on Lot 4R-A. The existing cart path, as it may be relocated, will remain an easement to Project Management/New England Business Properties, Inc. and to the Sudbury Water District and to North Sudbury Real Estate Trust, providing permanent access to adjoining land.

Mr. Pettigrew stated that the Order of Conditions to be issued by the Conservation Commission has nothing to do with this site plan, but with the mechanics of the construction of the cul-de-sac in the residential area.

Mr. Pettigrew responded to the Selectmen that the building is for office space and research and development; no chemicals will be used on site. Construction is planned for the fall and before the larger building on Lots 3 and 4, approved by the Selectmen on June 30.

Selectman Donald commented that she has the same problems with this site plan application - that being unresolved traffic issues.

Abutters who were present questioned the necessity of so many parking spaces, approving further development when traffic issues are unresolved and whether Project Management's plans for the location of the proposed building would be the same if cul-de-sacs were not being constructed. To the last question, Mr. Pettigrew replied that the location would be the same.

Following these comments, Selectman Donald reminded Mr. Pettigrew that the Selectmen had told him they did not plan to approve a second site plan until some of the issues already raised had been resolved. Selectman Fox suggested it could be approved subject to the closing of the road.

Chairman Murray suggested that the site plan be contingent on the finalization of litigation.

Mr. Pettigrew requested that if the Selectmen approve the site plan subject to completion of litigation that the approval be granted as of that date.

It was on motion by Selectman Donald to deny Site Plan 83-265 of Project Management, Inc., for property known as Lot 1A, Powder Mill Road, pending resolution of traffic issues and pending litigation.

(Selectman Donald, in favor; Selectman Fox, opposed, Chairman Murray, opposed.)

It was on motion by Selectman Fox

VOTED: To approve Site Plan 83-265 of Project Management, Inc., for property known as Lot 1A, Powder Mill Road, for the construction of a two-story building, as shown on a plan entitled, "Site Plan - Lot 1A Powder Mill Road Sudbury, Ma."; dated June 27, 1983, and accompanying plan entitled, "Powder Mill Road, Sudbury, Ma., Definitive Plan", dated June 17, 1983, revised June 27, 1983, subject to compliance with all governmental laws and regulations including, but not limited to, zoning, building, and health laws and regulations, all to be done at the petitioner's expense, and further subject to the following conditions:

- 1) all of the conditions set forth in a decision dated June 20, 1983, Site Plan 83-259, as amended by vote of the Board of Selectmen on July 11, 1983, and July 25, 1983;
- 2) the closing of Powder Mill Road;
- 3) conditions set forth in a communication from the Board of Health, dated July 21, 1983;
- 4) conditions set forth in the Fire Chief's communication of July 21, 1983;
- 5) conditions set forth in the Town Engineer's letter of July 22, 1983;
- 6) an Order of Conditions issued by the Conservation Commission;
- 7) the deeding of Lot 4-RA, 2.886[±] AC. to the Town;
- 8) an easement being deeded to the Town for a cul-de-sac on the area marked "0.324[±] AC.";
- 9) deeding to the Town off Powder Mill Road a right of way (R.O.W. Parcel "B", 0.373[±] AC.); and

- 10) granting of a Right of Way to the Town of Sudbury and the Water District of the existing cart path.

(Chairman Murray, in favor; Selectman Fox, in favor; Selectman Donald, opposed.)

Revised Site Plan 80-227 - Frank M. Vana, 435 Boston Post Road

Present: Town Engineer James V. Merloni; Building Inspector Joseph E. Scammon; Fire Chief Michael Dunne; Engineers Bruce L. Ey and Richard Skarinka, Schofield Brothers, Inc.; and Mr. and Mrs. Frank M. Vana.

The Board was in receipt of an August 1, 1983 communication to the Building Inspector from Frank M. Vana regarding several revisions to his original site plan 80-227, most recent one-year extension approved by the Selectmen on January 3, 1983; namely, removal of all office space (second floor of proposed building), a restaurant and one leaching area, and the addition of landscaping (in accordance with the Town Landscape Bylaw).

With respect to agreeing upon a procedure for the consideration of said site plan in accordance with the Selectmen's procedures for site plan approval and Bylaw Article IX,V,A,10., Executive Secretary Richard E. Thompson referenced a communication from the Building Inspector, dated August 18, outlining some of the revisions and a communication, dated July 28 from Schofield Brothers, Inc., enclosing a mylar sepia of the subject site plan reflecting the proposed revisions - the elimination of the proposed second floor office space, the expansion of the first floor retail space and a slight relocation of the main building.

It was noted that the proposed total gross floor area has been reduced from 85,000 square feet to 82,000, and that the increase in first floor retail space requires additional parking spaces on the site - a total required and shown on the site plan is 468. The elimination of the second floor office space has also reduced the total amount of sewage volume to be discharged into the proposed leaching area. This with the elimination of the restaurant use reduces the total volume of sanitary sewage from 7100 gallons to 4200 gallons per day.

Following further comments regarding the revisions, the Town Engineer expressed his opinion that the changes are substantial enough that the site plan should be considered a new filing - there is a 14% increase in ground cover representing a 28% increase in parking spaces which are laid out over the leaching system, and the overall coverage shows a 1/3 acre increase.

Following further comments the Board directed that Mr. Vana's engineers meet with the Town Engineer, the Building Inspector, and the Health Director and request from those departments comment back to the Board for discussion at its next meeting, September 12. The Executive Secretary was directed to contact the Planning Board and the Conservation Commission for any comment/input they might have.

Chairman Murray commented that the Conservation Commission had indicated to him that no Wetlands Protection Act hearing would be necessary.

Remaining Annual Appointments

Following review of the recommendations from various committee chairmen (Conservation Commission dated August 11, Planning Board dated August 5, Sign Review Board dated August 22, and Council on Aging dated August 18) it was on motion unanimously

VOTED: To make the following annual appointments:

- Jeffrey William Moore, 40 Dunster Road, to the Conservation Commission to replace Lynne H. Remington, for a term to expire April 30, 1986;
- Kathy M. Robbins, 4 Puffer Lane, to the Personnel Board to replace David F. Grunebaum, for a term to expire April 30, 1985;
- Elizabeth P. Fitts, 4 Bishop Lane, to the Sign Review Board to replace Jane M. Goode, for a term to expire April 30, 1985; and
- Eleanor A. Kelley, 430 Peakham Road, to the Council on Aging to replace Rev. Robert G. Trache, for a term to expire April 30, 1985.

The Board directed the Executive Secretary to invite Mr. Robert Verville, who was recommended by the Sign Review Board to serve on that Board and who was unknown to the Selectmen, to attend the Selectmen's next meeting on September 12, and any other candidates the Sign Review Board may have to fill the remaining vacancy on that Board.

At the request of the Board, the Executive Secretary stated that he would provide the Board with an updated list of remaining appointments at its next meeting.

Donations

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a donation in the amount of Seventy-five Dollars from the Villagers Club to be used by the Council on Aging for van expenses.

Community Signs

Upon request dated August 19, 1983, from the Sudbury Community Arts Center, it was on motion by Selectman Fox unanimously

VOTED: To allow the Sudbury Community Arts Center to use the community signs located at the north and south Fire Stations on Routes 20 and 117 for the period September 11 through September 24, provided there is no conflict.

Walk-a-thon - Nuclear Weapons Freeze

In accordance with a request dated August 15, 1983, from Sue Ellen Stine, Walk-a-thon Coordinator for the Sudbury Committee for a Nuclear Weapons Freeze, it was on motion by Selectman Fox unanimously

VOTED: To endorse the use of public ways and walkways by the participants of the Walk-a-thon, sponsored by the Sudbury Committee for a Nuclear Weapons Freeze, Saturday, October 1, between the hours of 9:00 a.m. and 2:00 p.m., subject to Police Department notification.

Appoint Acting Town Accountant

It was on motion unanimously

VOTED: To appoint Richard E. Thompson Acting Town Accountant, in the absence of Town Accountant James Vanar, for the purposes of signing the Warrant this evening.

Cost of Traffic Signal

Responding to the Board's previous request for information, Mr. Thompson stated that the monthly cost for operating a traffic light is approximately \$10.

Sign Review Board

Relative to Selectman Fox's previously expressed concerns as to Sign Review Board procedures, the Executive Secretary stated that, due to the complexity of the same, Assistant Town Counsel Thomas M. French would prefer to discuss the matter personally with Selectman Fox.

Hazardous Waste

Executive Secretary Richard E. Thompson reported that Board of Health member, Michael W. Guernsey, had expressed that he would like to see a change in the site plan regulation/local bylaw which addresses hazardous waste and that he would like to discuss the same with the Selectmen. The Executive Secretary was directed to pursue the matter.

Sub-lease - Sudbury Community Arts Center

Executive Secretary Richard E. Thompson asked that the Selectmen give a tentative approval for tenants requesting space at the Sudbury Community Arts Center (SCAC) in order to allow the SCAC to draw up sub-leases which will then come back to the Board for final approval. (Mr. Thompson read the following list of non-profit organizations which had requested space at Loring School and which have been approved by the SCAC: New England Ballet, the Longfellow School, Offspring, Ann Harvey and Helen J. Russell.) The Board concurred with Mr. Thompson's recommendation.

Monthly Fire Reports

Selectman Fox directed the Executive Secretary to contact the Fire Chief on behalf of the Board, thanking him for the time and effort involved in submitting such thorough monthly fire reports, but questioned the absence of monthly police reports.

Selectman Murray suggested that the Executive Secretary contact the Police Department requesting that they submit monthly reports, which, the office has not received for several months.

Boarding Dogs

The Executive Secretary confirmed that, according to State statute, the Dog Officer can charge a new increased rate of \$3 per day for boarding dogs, effective September 1.

There being no further business to come before the Board, the meeting was adjourned at 11:55 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk