

IN BOARD OF SELECTMEN
MONDAY, JULY 9, 1984

Present: Chairman Anne W. Donald and Josiah F. Frost.

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

CATV Provisional License

Present: William C. Henchy, Adams-Russell Co., Inc.

Mr. William C. Henchy stated that Adams-Russell concurs with the draft provisional license as now written (having been amended to incorporate suggestions by Town Counsel Paul L. Kenny) with an exception involving page 31 and page 8.

- the last paragraph on page 31 refers to charge for drops 150 feet or shorter. etc.; this is a change from the final application (March 14, 1983), is Adams-Russell's suggested language, and, if acceptable to Town Counsel, then the language on page 8, Section 4, paragraph "q", is satisfactory; it states, "The final application of Adams-Russell Co., Inc., dated March 14, 1983, is hereby incorporated into this Provisional License by reference and is made a part hereof. Where the provisions of this license are in conflict with the application dated March 14, 1983, the terms of the final application shall prevail except where otherwise noted."

Through the Executive Secretary the above was referred to Town Counsel for comment and Mr. Thompson will report back to the Board and Mr. Henchy, for resolution prior to signing the Final License.

Mr. Henchy commented that he had spoken to the Executive Secretary earlier who indicated the Town Accountant's interest in connecting the new computer system into the television cable. Mr. Henchy indicated he felt something could be worked out for Sudbury and stated that Adams-Russell had done this for the Town of Lexington and saved Lexington about \$18,000 a year in telephone bills.

On the recommendation of the Executive Secretary, it was on motion by Selectman Frost unanimously

VOTED: To sign a Provisional CATV License, under the authority of M.G.L. c.166A, as inserted by the Acts of 1971, as amended, authorizing Adams-Russell Co., Inc., to construct and operate a cable television communications system within the Town of Sudbury, subject to review by Town Counsel and signing by Selectman Fox upon his return from vacation.

Parking Clerk

The Board acknowledged receipt of a communication from Assistant Town Counsel Thomas M. French, dated June 26, 1984, giving the opinion that a police officer or person associated with the Police Department may be appointed as Parking Clerk under G.L.c.90, s.20A $\frac{1}{2}$, the section which Sudbury

has adopted; however, it would not be appropriate to appoint an officer who issues tickets due to consideration of fairness and conflict of interest.

Accordingly, it was on motion by Selectman Donald unanimously

VOTED: To request a recommendation from Police Administrative Assistant Peter Lembo for a Police Officer to serve as Parking Clerk, and, upon that appointment, to transfer all functions and duties to that individual at the Police Station.

Town Water/Pheasant Meadows III Subdivision, off Prides Crossing

Present: Fire Chief Michael Dunne; abutters Michael and Ceri H. Zeolla, 109 Prides Crossing Road, and William W. Sayles, 94 Prides Crossing Road.

The Board acknowledged receipt of a communication from Board of Health Chairman Michael W. Guernsey, dated June 25, 1984, recommending the extension of Town water to proposed Pheasant Meadows III Subdivision off Prides Crossing Road, based on testimony at a Board of Health hearing from the residents on Prides Crossing Road that their present water supply is insufficient and any additional wells in the area would compound their problem further. Also noted is that the Water Commissioners are reluctant to allow the extension of Town water without the ability to install fire hydrants.

Executive Secretary Richard E. Thompson stated that the Health Director concurs with the Board of Health's position and suggests that at a later date hydrants could be installed.

Mr. Thompson stated that the Executive Secretary to the Water Commissioners, Winthrop H. Fairbank, has advised that the installation of hydrants should be the Selectmen's decision and responsibility since hydrants are owned by the Water District but rented by the Town.

Fire Chief Michael Dunne referenced his recommendations, noted in a letter to the Board of Health, dated May 31, 1984, and stated his opinion that the developer should install and pay for the installation of Town water and for hydrants, which should be stockpiled and installed when the water main at the Route 20 location is replaced, which will provide adequate water pressure to activate hydrants in the subdivision for fire suppression.

Mr. Michael Zeolla, 109 Prides Crossing Road, stated he felt the water situation would be inadequate with any further development without the installation of Town water - that it is adequate now for domestic use but that there is not enough pressure for pumping/fire suppression, and requested that proper water mains and hydrants be installed now.

Chairman Donald suggested to the abutters that they urge the Water Commissioners to consider enlarging the water main on Route 20 a priority, so that the hydrants can be installed and connected at this subdivision as soon as possible.

At the conclusion of comment and discussion, it was on motion by Selectman Frost unanimously

VOTED: To concur with the recommendations by the Board of Health and the Fire Chief, as noted above.

Chairman Donald stated that the Fire Chief should closely monitor the situation to be sure that hydrants are provided for and stockpiled prior to any further approvals being granted for the subdivision.

Accept Bid/Town Insurance

The Board noted receipt of a recommendation/report, dated June 25, 1984, from Betterley Risk Consultants relative to the bid proposals, received under bid opening date of June 15, 1984, for the Town's property and liability insurance, and a recommendation supporting the same from the Insurance Advisory Committee, dated July 6, 1984.

Executive Secretary Richard E. Thompson recommended the Selectmen's acceptance of said report and pointed out that the recommended bids came in within the \$100,000 FY85 appropriation (except for new coverages recommended by the Consultant) and that by having gone out to bid the Town will save approximately \$30,000 over previous years' insurance costs, taking into consideration the Town's expected dividend on Workman's Compensation.

Following discussion, it was on motion by Selectman Donald unanimously

VOTED: To concur with the recommendation, defined in a report dated June 25, 1984, from Betterley Risk Consultants, to accept the following bid proposals submitted for the Town's insurance:

- Package coverages from the Hastings-Tapley Insurance Agency, representing Massachusetts Interlocal Insurance Association (MIIA), brokered by the Hall Agency: Property, Boiler & Machinery, Public Liability (Comprehensive General Liability), Motor Vehicle Insurance (Liability and Physical Damage), and Umbrella Liability Policy; and

- from American Mutual for Workers Compensation insurance coverage.

Accept Bid/Fire Pumping Engine

Present: Fire Chief Michael Dunne.

In accordance with a recommendation, dated June 28, 1984, from Fire Chief Michael Dunne, following bid openings on June 27, 1984, for a 1000 GPM Class A Triple Combination Fire Engine Pumper, and in accordance with specifications of the Sudbury Fire Department for the same, it was on motion by Selectman Frost unanimously

VOTED: To sign a contract for one Class A Triple Combination Pumping Engine with Emergency One, Inc., in the amount of \$102,952 which includes a \$5,000 trade-in for the 1957 Ward-LaFrance, aka Engine 1.

Selectman Frost commented that he and Chief Dunne had inspected the above unit at the Fire Chief's Conference last month in New York.

Site Plan 84-280/Harris and Paul Sandler, Lots 3 and A, Boston Post Road

Present: Applicants Harris and Paul Sandler, Atty. Harold Jacobi, Engineer Richard Skarinka of Schofield Bros, and Architect John T. Brennan; Building Inspector Joseph E. Scammon; Fire Chief Michael Dunne, Morton L. Brond, Planning Board, abutters and residents, David C. and Caryl S. Portney, 32 Adams Road; Jill McPhee, 15 Woodland Road; Bryan G. and Frances E. Lewis, 20 Adams Road, and John G. Scanlon, 15 Adams Road.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan 84-280 of Harris and Paul Sandler, for property located at Lots 3 and A, Boston Post Road, owned by Mary Piona, Business District #15, for the construction of a two-story building for retail and office space.

Executive Secretary Richard E. Thompson stated that all appropriate Town officials and abutters had been notified, return receipts requested, and noted receipt of the following communications:

- from the Board of Health, dated July 9, 1984, recommending approval conditioned on installation of Town water, Board of Health approval of definitive plans for subsurface disposal system, and use to be limited to office and retail only;

- from the Building Inspector, dated June 26, 1984, recommending approval contingent upon certain landscaping improvements, i.e., additional low shrubs along Boston Post Road, and one additional parking space being designated for the handicapped (later in the evening, the Building Inspector pointed out on the plan, one parking space which the applicant stated would be designated as a handicap space);

- from the Conservation Commission, dated June 26, 1984, stating a Wetlands Protection Act filing is not required;

- from the Fire Chief, dated June 6, 1984, commenting as follows: building must be fully sprinklered; Fire Department sprinkler connection to be according to the Chief's noted specifications; only 3,675 square feet of space to be used as retail in the interest of traffic safety; noted Fire Department traffic accident statistics in the area of the proposed site plan showing comparison to total accidents along Boston Post Road submitted;

- from the Town Engineer, dated June 12, 1984, approving the site plan and recommending that a catch basin trap and hood be provided for all catch basins to help maintain the life of the leaching pits and conditioning his approval on Board of Health approval of the septic system;

- from the Planning Board, dated July 6, 1984, recommending approval contingent on seventeen items mainly related to its concern that the proposed development represents a safety hazard to the Town because the property is at a dangerous location on Boston Post Road, particularly as it intersects with Dudley Road, and that the magnitude of the proposal is detrimental to the adjacent residential district;

- from Dr. William J. Adelson, dated July 9, 1984, on behalf of the Sudbury Medical Center located across the street, welcoming the proposed

development and expressing the desire that the Town and the developer(s) can come to an amicable decision.

Referring to the Selectmen's vote of March 28, 1984, to deny without prejudice the February 14, 1984, site plan submittal (site plan 84-277) of Harris and Paul Sandler to allow the applicant to come back with a smaller building, Engineer Richard Skarinka stated that site plan 84-280 being submitted tonight is revised so that there is a decrease in building coverage from 19.3% to 12.5%. He added that the building now proposed is one third smaller than the initial proposal; it is reduced by forty feet in length, from 246' to 206' (shown on plan), thereby reducing the required number of parking spaces and impervious area. Mr. Skarinka further stated that there will be no increase in runoff from the site, and, in accordance with the Town Engineer's recommendation, there is now a single entrance/exit which provides sight distance in excess of 500' which surpasses the minimum safe stopping sight distance of 275' for a speed limit of 40 miles per hour.

Architect John T. Brennan added that the center, one-story portion of the proposed building has been reduced from 150' to 105' in length; the traditional design of the building has been maintained in keeping with the style preferred in Sudbury; and the size of the asphalt has been reduced because of the reduction in the size of the building.

Mr. Brennan displayed an architectural rendering and landscape plan showing a proposed buffer of 9' hemlocks to be planted on the Portney's (abutters) property by the applicant and a stockade fence, shown on the plan to be six feet tall and later conditioned by approval vote of Selectmen to be eight feet. The dumpster has been relocated to the easterly corner of the lot away from the Portney's property, as they requested, which will also be concealed by the fence, as shown on the plan.

Selectman Frost expressed his opinion that the Sandler's had done a nice job of reducing the size of their proposal as the Selectmen had asked.

Comments by abutter David Portney are summarized, as follows:

- the area of the one-story, center portion of the building is not a satisfactory reduction considering the size of the site and for the reason that it abuts residential land;
- the square footage of the two-story, end sections of the building is only slightly reduced;
- expressed his preference to locate as much parking as possible on the easterly side of the building away from his property and windows, which are only 30 feet from the property line, because of general noise associated with parking areas;
- if approved, that all restrictions placed on the site plan be in writing;
- that 9' hemlocks be planted at 4' intervals the full length of the rear property line, not just along his property, as well as an 8' stockade fence;

said fence to wrap around on the westerly end of the property for ten feet and on the easterly side for twenty feet screening the dumpster;

- that dry goods to retail space use be on a 4:1 ratio, and
- that hours of trash pickup, deliveries, and hours of operation be restricted.

Responding to the above, in part, Mr. Brennan and Mr. Skarinka commented, as follows:

- Regarding the location of parking area:

1) Mr. Brennan stated that there is a difference of opinion among the abutters in terms of where the parking should be, each wanting it as far away as possible from their respective properties.

2) Mr. Skarinka stated that the best placement of the septic system also had to be considered, and, because drainage must flow to the low point, the leaching area is placed at the high point, which, in this case, is the westerly side of the lot. The building foundation has to be twenty-five feet away from the leaching area, and the parking was placed accordingly throughout the remaining side and front areas. (As noted in the Building Inspector's letter, the parking is more desirable in this case in the front of the building rather than in the rear because of the adjacent residential land in the rear.)

- Regarding the buffer zone in the rear:

1) Mr. Skarinka noted the proposed riprap wall along a portion of the Portney's boundary between the fence and the driveway in the rear of the building.

2) Mr. Brennan stated it was his understanding that hemlocks had to be planted 12'-15' apart, not 4', for their survival.

- Regarding the area/square footage of the building:

Responding to abutter Jill McPhee, Mr. Skarinka stated that the square footage of the proposed building had been reduced to 12,460 square feet from the original 13,550 square foot building. Mrs. McPhee agreed with Mr. Portney that the reduction in the size of the building is not sufficient.

- Regarding use of the building:

Mr. Skarinka stated that the one-story, center portion of the building is to be used for retail (Astro Paint and Wallpaper) and contains approximately 3,800 square feet; the two cape units on the ends of the building are proposed office space and total on the first floor, 4,940 square feet, and on the second floor, 3,720 square feet. Applicant Harris Sandler stated he had inquiries from interested parties for all of the office space Mr. Skarinka mentioned, except for the west, first floor unit, which Anne Marie's (local retail card shop) had inquired about.

Abutter Caryl Portney agreed with earlier statements that the building reduction was not a satisfactory one. She stated further that the Selectmen had suggested (at their March 28 public hearing on site plan 82-277) that the abutters and applicants work together and attempt to compromise on the size of the development, and that two alternate site plans had been delivered to her home at a very inopportune time for review. In accordance with her recollection of one of those plans showing building closer to the west lot line, Mrs. Portney requested that the Town Engineer be asked to confirm what Mr. Skarinka had stated regarding the placement of the parking in relation to the septic system. (At the end of the meeting Mrs. Portney gave the Executive Secretary a copy of the alternate plans.) Mrs. Portney voiced her objection regarding retail use expanding into the first floor, west end of the building. She further stated that, at the Planning Board meeting, the Sandlers had promised an 8' stockade, cedar fence with 9' hemlocks the full length of the property line, and that she had checked three professional sources who all confirmed they should be planted four feet apart.

Abutter Bryan Lewis stated there have been two accidents at the intersection of Dudley Road and Boston Post Road since the Planning Board hearing on this site plan; that he supports almost everything Mr. Portney stated, especially that trees should be planted along the entire length of the rear boundary and that the reduction is not satisfactory since it is only an 8.5% reduction from the original proposal. Regarding the relocation of the dumpster, he voiced his objection, since it is now only 15-20 yards from a play area on his property.

Atty. Harold Jacobi addressed to comments made by Mrs. Portney and stated that within one week of the March 28 hearing with the Selectmen, a letter was sent to three abutters suggesting to them that they come into the store during regular hours, 9:00 a.m. to 5:30 p.m., or in the evening, and meet with the Sandlers and their architect to discuss plans they had revised, and further suggesting that said meeting be during the week of April 9. Atty. Jacobi reiterated the substantial changes in the revised site plan, stating that the Sandlers are not trying to compete with other retail malls now under construction in Town. Atty. Jacobi confirmed that, at the Planning Board meeting, there was agreement on the part of the Sandlers to raise the height of the fence from 6' to 8', which, he stated, should alleviate Mr. Lewis' concern regarding the dumpster. Atty. Jacobi stated that the Sandlers had taken great pains at great cost to create a sufficient buffer to the residential zone and did not feel they could do anything more than what they have already done.

Mr. Portney commented further that Atty. Jacobi was not accurate in disputing his wife's comments regarding the process for working with the developers in reviewing their revised plans and the time sequence.

Abutter Frances E. Lewis asked if the Fire chief had submitted a report to the Selectmen, to which Chairman Donald stated he had.

Abutter John G. Scanlon asked about the Sandlers' store on Route 20 in Marlboro at the Post Road Carpet location. The Sandlers explained that they have recently occupied (approximately June 10) the former wallpaper and paint store located there with an option to purchase, also, that they would not be absentee owners at their Sudbury store.

Responding to Chairman Donald, Mr. Skarinka stated that a curb cut application had been filed with the State Department of Public Works.

Also responding to Chairman Donald relative to the Building Inspector's suggestion that low shrubs be planted along the front property line, Mr. Brennan stated that the same had not been included on the plan on the basis that they would not survive because of salt water being splashed on them from the road during winter months; therefore, only grass is shown on the plan.

Responding to Mr. Portney, Mr. Harris Sandler stated his willingness to paint the side of the fence facing the Portneys' a color complimentary to their home. Regarding trees, Mr. Sandler stated his willingness to plant them the entire length of the fence but that the spacing needed to be confirmed, since there appears to be a difference of opinion here tonight.

It was on motion by Selectman Frost unanimously

VOTED: To approve Site Plan 84-280 of Harris and Paul Sandler, for property located at Lots 3 and A, Boston Post Road (corner of Dudley Road), owned by Mary Piona, as shown on a plan (four sheets) entitled, "Site Plan of Land in Sudbury, Mass.", dated May 24, 1984, 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) placement of all utilities underground;
- 2) submission of an "as-built" plan - any change in the physical condition of the site, including changes in the location or design of structures or systems, following initial approval of the site plan, will require approval of the Board of Selectmen;
- 3) an 8' stockade fence to be erected along the rear boundary as shown on the plan;
- 4) landscaping to be done in accordance with the Landscape Bylaw; 9' hemlock trees to be planted along the entire length of fence, to be spaced in the best landscape practice;
- 5) exterior lighting to be directed away from adjacent residences;
- 6) dumpster to be enclosed by 8' stockade fence;
- 7) as stipulated, and agreed to, in written reports, or otherwise, from the various Town department heads and agencies, as follows: from the Board of Health, dated July 9; from the Building Inspector, dated June 26; from the Fire Chief, dated June 6, items 1 and 2 only; and from the Town Engineer, dated June 12, 1984.
- 8) a walkway to be constructed from the westerly end of the parking lot to the adjacent commercial property line in accordance with specifications by the Town Engineer;

9) approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer;

10) no use of salt or chemical de-icers on the site, and

11) no occupancy permit shall be issued until item 1 through 10, noted above, are complied with.

The Selectmen indicated their willingness to sign site plan when the original mylar is submitted.

Benefits/Police Officer Houghton

Present: Police Administrative Assistant Peter Lembo and John Harris, President, Local 315.

The Board acknowledged receipt of a June 28 communication from Executive Secretary Richard E. Thompson relative to the question of reinstatement of benefits, specifically vacation and longevity, for Police Officer Allan Houghton. Officer Houghton served on the Sudbury Police force for approximately ten years before moving out-of-state for a short period of time, and, upon his return, was reinstated. At the time of his reinstatement to the position of permanent Police Officer, the Selectmen at that time also recommended to the Personnel Board that Officer Houghton be reinstated at his former salary level and with any other benefits which might accrue to him. In his communication to the Selectmen, therefore, Mr. Thompson recommended that they concur in this position.

Mr. Thompson pointed out that the Police contract, under vacation and longevity, calls for continuous service; also, that a February 18, 1982, letter from the Division of Personnel Administration to Officer Houghton stated that, "The break in service due to a resignation did not exceed six months, therefore, your seniority date in accordance with Recodified Civil Service Law, Chapter 31, Section 33, was not affected."

Police Administrative Assistant Peter Lembo concurred with Mr. Thompson's above-noted recommendation. However, Officer John Harris, President of Police Local 315, requested that the Board table this matter for approximately one month, stating that he could not speak for the Union, and that he would like to arrange a meeting so that the Union as a whole could offer its input on the subject.

Following further discussion and comment by Officer Harris, Selectman Frost strongly suggested that, when Officer Harris meets with the Union, he convey to the men how the Selectmen feel - that, although it is their prerogative to reinstate Officer Houghton's benefits, and they would like to do so based on his service to the Town, they would also like to have the complete agreement of the Union and avoid any litigation.

At the conclusion of discussion, it was on motion by Selectman Frost unanimously

VOTED: To reschedule further discussion of the above subject matter to the Board's next meeting, July 23, as requested by Officer Harris, President, Local 315, IBPO.

At Officer Harris' request, Mr. Thompson stated he would attend the Union meeting on behalf of the Selectmen.

Class II License/Automotive Diagnostic Center, 100 Boston Post Road

Present: George M. Gordon, d/b/a Automotive Diagnostic Center.

Chairman Donald convened a public hearing on the application of George M. Gordon, d/b/a Automotive Diagnostic Center, 100 Boston Post Road, for a Class II License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts Thereof.

Executive Secretary Richard E. Thompson stated that all appropriate Town Officials had been notified and noted the following:

- a ruling by the Board of Appeals granting a Special Permit, under the provisions of Section III,B,2,g of the Zoning Bylaw, to Mr. Gordon to buy sell, and repair used motor vehicles on the above-noted property, provided that no more than fifteen vehicles are stored overnight of which no more than two shall be used vehicles for sale, and that the Special Permit shall expire in six months, January 1, 1985, and may be renewed upon receipt of proper application to the Board of Appeals on or before that date,

- reports from the Building Inspector, the Fire Chief and Police Administrative Assistant Peter Lembo, dated July 6, July 3 and July 5, respectively, all recommending approval of the above application, and

- on behalf of Selectman Fox, who could not be present tonight, his concern that the number of vehicles being parked at this location during the day should be addressed by the Selectmen, it being his opinion that this issue had not been adequately addressed by the Board of Appeals.

Mr. Gordon felt that the limitations set by the Board of Appeals as to the number of cars he could keep on the lot overnight could be a problem but that he would try to work with that limited number and perhaps request an increase when he applies for renewal in six months. Mr. Gordon pointed out that his is a 2,500 square foot lot and could easily accommodate twenty-nine cars, especially now that the gasoline island has been removed. Mr. Gordon stated he counted twenty-three and twenty-five cars on two local properties smaller than his own, to which Mr. Thompson responded both were in violation.

Responding to further questioning by Mr. Gordon, Mr. Thompson stated that any restrictions conditioning special permits are at the full discretion/ value judgment of the Board of Appeals, based on safety, aesthetics and other factors.

Mr. Gordon indicated that he is getting rid of the cars which are currently on his lot and that he will only store fifteen cars at night.

It was on motion by Selectman Frost unanimously

VOTED: To grant a Class II License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts Thereof to George M. Gordon, d/b/a Automotive Diagnostic Center, 100 Boston Post Road, subject to the conditions of the Board of Appeals Special Permit issued June 12, 1984, under the provisions of Section III,B,2,g of the Zoning Bylaw.

Conservation Restriction

Present: Adam Ames, Conservation Commission Associate.

Following a brief discussion and on the recommendation of the Executive Secretary, it was on motion by Chairman Donald unanimously

VOTED: To approve and sign duplicate Conservation Restrictions, in conjunction with the Conservation Commission, given by Arden B. MacNeill, on land off Brimstone Lane, as shown on a plan entitled, "West Way Hills, Definitive Subdivision of Land in Sudbury, Mass., Surveyed for Arden B. MacNeill", dated November, 1982, by Charles A. Perkins, Inc., as corrected (typographical error).

Executive Secretary Richard E. Thompson noted, and the Board concurred, that acceptance of the proposed gift of Ford's Folly is nowhere implied.

Site Plan Modification, 84-276/Technology Concepts, Codjer Lane

Present: Applicant Stuart Wecker, Architects George Catrambone and Glen Chalder, Attys. Henry Dane and Geoffrey Hargreaves-Heald; Building Inspector Joseph E. Scammon; Morton L. Brond, Planning Board, and approximately twenty-five residents.

At its June 25th meeting, the Board agreed to an informal site plan review procedure relative to the revision of Site Plan 84-276 of Stuart Wecker, Technology Concepts Inc., for property located at Codjer Lane, with recommendations to be received from the Town Engineer, the Board of Health, the Conservation Commission, the Fire Chief, the Planning Board, and the Building Inspector and to schedule a public hearing for the same on July 9 at 9:30 p.m.

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

- from the Board of Health, dated July 9, recommending approval conditioned on the following: primary and expansion areas of the disposal system must be moved so they are 100 feet from the wetlands; building must be used for office space only; Town water must be supplied, and subsurface disposal plan must be approved by the Board of Health;

- from the Building Inspector, dated July 6, recommending approval;

- from the Fire Chief, dated February 27, requesting the fire hydrant be connected to an 8" (not 6") water main, that the building be fully sprinklered or protected by an equal fire protection system as provided in the State Building Code and subject to his approval, and that the fire department

sprinkler connection be located adjacent to the fire hydrant because of the distance from the parking area to building (a July 6 communication from the Chief confirmed that his February 27th communication applies to the revised plan);

- from the Town Engineer, dated July 6, recommending approval, subject to the Board of Health's approval of the proposed septic system;

- from the Planning Board, dated July 5, indicating no judgment on the site plan for reasons that there was insufficient time to obtain certain information regarding the additional 200+' extension of the roadway, legal setback requirements from the residential area, and input from Planning Board Agent James V. Merloni; and

- from the Conservation Commission, dated June 27, not requiring a new Notice of Intent since the revised plan indicates a lesser impact on the wetland area (due to smaller parking lot and building, in terms of impervious surface area and drainage) and expressing the intent to revise the Order of Conditions to reflect the proposed changes upon approval of the revised site plan by the Selectmen.

The Board noted receipt of a communication, dated July 5, from Atty. Thomas B. Bracken, Bracken and Baram, on behalf of a group of residents in the Codjer Lane area, and referred the same to Town Counsel. Town Counsel Paul L. Kenny reviewed several points of disagreement with Atty. Bracken's letter, and in response to Mr. Thompson concurred that the public hearing on site plan 84-276 was proper in all legal respects.

The Technology Concepts presentation began with an explanation of the revised site plan, overlaid with the original site plan to show the differences, also explained in a June 20, 1984 communication from Technology Concepts Inc.;

1) The building and parking have been reduced so that building coverage shows a 30% reduction in footprint although remaining at 25,000 square feet by the addition of a computer room, etc., in the basement; parking is reduced from 45,200 square feet to 42,000 square feet; overall coverage reduced from 7.2% to 6.2%.

2) Redesigning the building and parking provides a more convenient plan - the building still appears to be one story from Codjer Lane with a bridge accessing the top level from the front parking lot; a glass wall in the rear of the building provides a panoramic view of the meadows; parking will no longer be seen from Codjer Lane as it is tucked into the side of the hill in front of the building and to each side. The Conservation Commission likes this parking scheme better since parking is now further from the wetlands which are to the rear of the building, where the parking was originally situated.

3) In order to accommodate center entry to the property, facing the front of the building rather than the end, Codjer Lane is extended 200+ feet more than on the original plan - creating an aesthetically more appealing entrance to the site.

4) It was noted later that the building was designed not to exceed the Town height limitation of thirty-five feet.

Mr. Wecker responded to one abutter that the natural vegetation along Codjer Lane would not be disturbed except for the entrance driveway;

Planning Board member Morton L. Brond stated the Board's concern regarding the intention to extend the roadway from Horse Pond Road another 200+ feet. At the original site plan hearing, the Planning Board and residents in the area expressed concern regarding access from Horse Pond Road, and the Selectmen conditioned approval upon the paved portion of Codjer Lane ending at Technology Concepts driveway. Mr. Brond felt that the length of the roadway should not be extended on the basis that it would provide more access to any future commercial development on Codjer Lane. Proponents of the extension argued that, because of the aesthetics of their site plan, it would be beneficial to them to have the driveway further down on Codjer Lane, and that in any case, as Codjer Lane is a public way, any future development on the southerly side of Codjer Lane could include application for further extension or tie into the portion already paved.

Mr. Paul McNally, 23 Evergreen Road, made reference to Atty. Bracken's letter of July 5 and agreed with several points raised in said letter, specifically, that the applicant's plans are not sufficient to grandfather the zoning (reference to 84ATM article rezoning land from industrial land to residential land), and that the so-called "revised" site plan should be considered a new plan, not a revised plan, because of the significance of the changes.

Responding to Mr. McNally, Town Counsel Paul L. Kenny stated that there is a thirty-day appeal process to the Board of Appeals on the Selectmen's decision to approve a site plan, the same as an appeal from a Building Inspector's determination to the Board of Appeals, unlike a twenty-day appeal process to the court under c.40A on a Planning Board's approval of a subdivision plan.

Town Counsel, responding to further comment by Mr. McNally, noted that an approval not required plan was signed June 23, 1984, by the Planning Board, and recorded in the Middlesex District Court on February 24, 1984. Atty. Henry Dane added that it was filed on January 10 with the Town Clerk.

Responding to another abutter, Town Counsel confirmed his position that a perimeter plan or subdivision approval not required plan gives three years exemption from a zoning change (84ATM); a preliminary subdivision plan, if followed within seven months by a definitive subdivision plan, gives eight years exemption from a zoning change.

At the conclusion of discussion, it was on motion by Selectman Frost unanimously

VOTED: To approve Site Plan 84-276, revised, of Stuart Wecker, for property located at 230 Codjer Lane, IP#1 and A-1, owned by Melgrove Realty Trust, as shown on a plan entitled, "T.C.I. Corporate Headquarters, Sudbury, Mass.", dated June 22, 1984, Sheets L-1 through L-7, 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) as set forth in the following communications: from Technology Concepts Inc., dated June 20, 1984; from the Fire Chief, dated February 27; and from the Board of Health, dated July 9;

2) an approved Order of Conditions under the Wetlands Protection Act by the Conservation Commission, revised to reflect the new plan, as noted in its report of June 27;

3) exterior lighting to be directed away from adjacent residences;

4) access/egress to and from the facility to be on Codjer Lane from Horse Pond Road and not through a way between #172 and #176 Horse Pond Road;

5) that the use be restricted to normal office and research use;

6) no storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and except with written notice of the same to the Board of Health;

7) that any paved way to Horse Pond Road be terminated at the driveway of Technology Concepts and not go any further east on Codjer Lane;

8) that there be no sign advertising this property at the intersection of Horse Pond Road and Codjer Lane;

9) that working hours be scheduled so that morning and evening arrival and departure hours are staggered so that employees are not arriving all at the same time and leaving all at the same time;

10) that the business hours be restricted to normal business hours, in that there not be a late night or Saturday or Sunday shift;

11) that any improvements to the road, such as paving, be done to Town standards, and not be done by the Town of Sudbury, but by the petitioner;

12) the grant of an earth removal permit; as applicable;

13) no use of salt or chemical de-icers on the site; and

14) no occupancy permit shall be issued until items 1 (Fire Chief's and Board of Health's requirements only), 3, 4, and 7 are complied with.

Minutes

The Board tabled the minutes of June 25 to its next meeting of July 23 when both Selectmen Fox and Frost, who attended the meeting of said date, can be present.

Loring School

a. Lease

On the question of signing a lease agreement between the Town of Sudbury and B'nai Torah for the Loring School, Executive Secretary Richard E. Thompson informed the Board that Town Counsel was not prepared to respond this evening since he and Atty. Blacker, for B'nai Torah, had not had a chance to get together to discuss the lease, therefore, the subject was tabled.

b. Sudbury Community Arts Center Bills

In accordance with a communication from the Executive Secretary, dated July 3, 1984, it was on motion by Selectman Frost unanimously

VOTED: To support, subject to comment by Selectman Fox, underwriting the Sudbury Community Arts Center, by assuming the following costs: oil to replenish tanks \$3,144 and custodian \$1,115; and, further, to allow the SCAC to repay the Town at \$250 per month minimum for the amounts owed by SCAC and paid by the Town to Boston Edison (\$1700) and the Water District (\$38), the intent being that its obligation to the Town will be repaid within one year.

General Government Office Space Plans

Relative to general government office space plans, it was on motion by Selectman Frost unanimously

VOTED: To approve the recommendations set forth in a communication from Executive Secretary Richard E. Thompson, dated July 3, 1984, including the short-term goal of moving the Tax Office and Assessors' Office to the Flynn Building and expanding fire headquarters, in accordance with the plans dated July 2, and the long-term goal of using the Nixon School as the place for Town administrative offices by the compliance date of October 17, 1986, specified in the Federal Revenue Sharing handicapped regulations, subject to comment by Selectman Fox.

Goodwill Trailer

Selectman Donald expressed her dissatisfaction with the action of The Mugar Group requesting the removal of the Goodwill trailer from its present location in the parking lot of the Star Plaza. Selectman Donald stated that perhaps Sudbury Farms would be more community-minded and allow the trailer to re-locate there. Selectman Frost agreed and the Executive Secretary was directed to forward a communication to Sudbury Farms (or the appropriate person) requesting the same with a copy to be forwarded to The Mugar Group.

Temporary License/M.S. Indulgence Society

In accordance with a request dated July 6, 1984, it was on motion by Selectman Frost unanimously

VOTED: To grant a temporary license for the Sale of Wines and Malt Beverages Only, to be Drunk on the Premises, and a license for the sale of frozen desserts, ice cream etc., to Costantino Arpino, President of the M. S. Indulgence Society, for one day only - July 22, 1984, from 11:00 a.m. to

10:00 p.m. to be exercised at property located at the sanctuary on Mossman Road, and to waive the customary fee for the same.

Town Physician

Executive Secretary Richard E. Thompson informed the Board that Dr. Margaret Peppercorn had declined the appointment as Town Physician.

Fire Alarm Installation/United Presbyterian Church

In accordance with a request dated July 2, 1984, it was on motion unanimously

VOTED: To grant permission to the United Presbyterian Church to tie into the fire board at the central fire station and to trench across the asphalt paving between the church and the fire house in order to make this connection, for the installation of its fire alarm system by Al Sanborn of Security Design Associates, subject to the Town Engineer supervising the installation after notification to the Building Inspector.

Executive Session

At 10:55 p.m. it was on motion by roll call

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

(Chairman Donald, in favor; Selectman Frost, in favor.)

Chairman Donald 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 11:30 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk