

IN BOARD OF SELECTMEN
MONDAY, MARCH 5, 1984

Present: Acting Chairman 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 Acting Chairman Anne W. Donald.

Sign Renewal Notes

Present: Town Clerk Jean M. MacKenzie.

In accordance with a communication from Town Treasurer Chester Hamilton, dated March 1, 1984, it was on motion unanimously

VOTED: To sign renewal notes for borrowing authorized on February 27, 1984, in the amount of \$140,000 with Bay Bank Middlesex, relative to Article 23, Union Avenue Reconstruction, and Article 24, Dutton Road Reconstruction, of the 1983 Annual Town Meeting, to be effective March 15 and due May 11, 1984.

Environmental Impact Report (EIR) - Sudbury River Diversion

Following comment by Selectman Donald and a brief discussion, the Board directed the Executive Secretary to communicate to the Metropolitan District Commission (MDC) the Selectmen's strong support of the concerns raised in Whitman & Howard consultant Dr. T. T. Chiang's February 29 communication to the Board, stressing the Board's concurrence that the recommendations set forth therein be implemented in the final MDC EIR of the Sudbury Reservoir Water Treatment Plant, and to enclose a copy of Dr. Chiang's communication; additionally, Selectman Donald agreed to solicit support, by way of requesting written response on the draft EIR, preferably in support of Dr. Chiang's recommendations, from both Senator Atkins and Representative Hicks to the MDC.

Planning Board Response to 84ATM Articles

The Board acknowledged receipt of February 28 communications from the Planning Board, stating support of 84ATM Article 35, Amend Bylaw, Art. IX,VI,C,5 - Special Permit Guidelines; Article 36, Amend Bylaw, Art. IX,III,B - Permitted Uses, Business Districts; Article 37, Amend Bylaw, Art. IX,V,J - Signs; and Article 40, Street Acceptance - Portion of Powder Mill Road.

Relative to the Planning Board's additional comment that Article 36 be amended to delineate the type of entertainment allowed under this bylaw, the Board directed the Executive Secretary to communicate to the Planning Board that, although the Selectmen share the same concern, it is Town Counsel's opinion that this is more appropriately addressed under the licensing process, rather than under the bylaw.

Relative to that Board's suggestion that 1) Article 37 be amended to change the period for removal of both real estate and construction signs from sixty days to not longer than thirty days, and 2) requesting clarification of the status of pre-existing, non-conforming signs as it applies to this bylaw, the following decisions were made:

Selectman Fox was not in favor of the article being amended on Town Meeting floor, being of the opinion that there would be enough substantive points with the presentation itself; Selectman Donald was not in favor of the amendment and agreed to contact the Planning Board ahead of Town Meeting to avoid debating the issue on Town Meeting floor.

On the question of clarification of Article 37, the Executive Secretary was directed to relay the following information to the Planning Board: a pre-existing, non-conforming sign could be kept in good repair, which includes painting, or replacement of post and not require a special permit from the Board of Appeals; however, if it is changed in any way, i.e., lettering or dimensions, a special permit or determination by the Board of Appeals is necessary under Art. IX,I,C,3 and G.L.c.40A - since said consideration involves extension of the pre-existing, non-conforming use.

84ATM Articles 25 and 47

The Board noted receipt of two communications dated February 29 from Town Counsel's office, offering advice and an opinion relative to Articles 25, Sale of Tax Possession Parcel off Stone Road, and 40, Street Acceptance - Portion of Powder Mill Road.

Site Plan 84-274 - G. Burton Mullen et al, 410 Boston Post Road

Present: Building Inspector Joseph E. Scammon; Town Engineer James Merloni; Applicant G. Burton Mullen; and Atty. Andrew W. Cohn, Architect Ralph K. Cappola, and Engineer Gerard McNeil, all representing applicant; approximately ten residents.

In accordance with Art. IX, section V, paragraph A of the Sudbury Bylaws, the Board considered Site Plan 84-274 of G. Burton Mullen and Howard A. Fafard for property located at 410 Boston Post Road, BD#5, for the construction of a two-story, 15,465 square foot, retail and office building.

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 Planning Board, dated March 1, 1984;
- from the Building Inspector, dated February 28, 1984;
- two from the Town Engineer, both dated February 23, 1984;
- from the Fire Chief, dated February 21, 1984; and
- from the Conservation Commission, dated February 22, 1984, all recommending conditional approval; and
- from the Board of Health, dated February 28, 1984, holding on a recommendation pending receipt of a definitive subsurface disposal plan.

Atty. Andrew H. Cohn, for the applicant, explained the plans. The parcel is 2½ acres with 240' frontage on Boston Post Road. It will consist of retail

shops and offices. The site coverage, both parking and building is 58½%, the maximum allowed is 60%. There will be a 20' landscape buffer along Boston Post Road. Atty. Cohn stated they had worked out with the Board of Health the septic/drainage issues and will be applying to the Conservation Commission for a Wetlands Protection Act hearing.

Engineer Gerard McNeil showed a rendering in color, also as outlined on the site plan, entitled, "Site Plan of Land on Boston Post Road, Sudbury, MA., owned by G. Burton Mullen and Howard A. Fafard", dated January 18, 1984. Mr. McNeil explained that the proposed building is U-shaped with an end view facing Boston Post Road and with a smaller front section facing the Boston Post Road. To the rear, there is open space - a wetlands area - which will remain. There will be additional non-percolating coverage of approximately 8% to the existing coverage. The two-story building coverage is 30,000 square feet which requires 100 parking spaces; 105 parking spaces will be provided with four handicap spaces. Mr. McNeil showed the location of the ramp to the building and the dumpster, which will be screened by trees. There will be ten trees throughout the parking area, as required by the landscape bylaw. The lighting is aimed away from any adjacent property. The existing entrances and exits to the site are in the same location but will be defined with curbing, as requested by the Town Engineer. There will be two-way circulation at both locations to provide for the proper traffic circulation and ease of the entrance and exit.

Regarding traffic estimates, Mr. McNeil stated, they estimate approximately 336 cars per day, divided by a 12-hour operation, breaks down to approximately thirty cars per hour or one car every four minutes, or every eight minutes with two entrances/exits (computes to every two and four minutes). Responding to Selectman Fox, Mr. McNeil stated that it is difficult to make a comparison between the prior restaurant operation on this site and the proposed retail/office complex since restaurants operate at peak hour periods as opposed to an averaging of people in and out of a shopping area throughout the day.

Mr. McNeil stated that Site Plan 84-274 had been revised under date of March 5, 1984, in accordance with all the recommendations/requirements of the various Town Boards, Commissions, Officials, and commented as follows:

Relative to the above-noted communication from the Board of Health, Mr. McNeil stated that the applicant(s) realizes the septic system must be relocated/redesigned, and a definitive subsurface disposal plan submitted for approval by the Board of Health. The Health Director had indicated in his communication that there are certain limitations associated with this site, i.e. high ground water and system near aquifer protection zone, extensive fill needed, acceptability of soil to accommodate discharge, and that his recommendation would be deferred until a definitive subsurface disposal plan had been submitted.

In accordance with the Conservation Commission's above-noted communication, Mr. McNeil stated that the applicant(s) recognizes that a filing under the Wetlands Protection Act is required, not because there will be any filling of the wetlands, but because there will be construction/work within one hundred feet of a wetlands.

Relative to the above-noted communication from the Fire Chief, Mr. McNeil stated that the required fire lane has been so designated. (The Fire Chief also requires a complete sprinkler protection system for the building which was not discussed.)

Referencing the Town Engineer's above-noted communication, Mr. McNeil stated the following:

- Traffic flow and maneuverability for both vehicular and pedestrian traffic has been changed on the new plan to incorporate the Town Engineer's recommendations that 1) the curb radius at the entrance to the Boston Post Road be increased to a minimum of 15 feet; and 2) the curb radius at the entrance to the parking area be increased to a minimum of 12 feet.

- Storm drainage calculations will be submitted to the Town Engineer for review and all proposed pipe size, type and slope have been now included on the plan.

- Anticipating that any retail deliveries will be before 9:00 a.m. or after 5:00 p.m., Mr. McNeil stated that the handicap ramp could be used as a loading dock.

(The Town Engineer also points out that this site plan conforms to the current bylaws with regard to intensities and will conform to the proposed intensity regulations as proposed for the ATM.)

Mr. McNeil stated that the Building Inspector had forwarded the change in the site plan procedure which requires two copies of architectural renderings, which, he stated, they are planning to submit. In the Building Inspector's above-noted communication, he notes that two handicap spaces at the rear must be 12' wide, and Mr. McNeil stated that has been so noted on the plan.

The above-noted communication from the Planning Board listed six general concerns which had been addressed by Mr. McNeil during review of the previous reports. Regarding conformity to the Landscape Bylaw, Mr. McNeil added that one tree, which apparently did not conform, had been moved, as shown on the revised plan, into the parking area.

Responding to Selectman Donald, Mr. McNeil stated he would correct the plan to show the handicap ramp to the front walk, a requirement he failed to address earlier, noted in the Building Inspector's above-noted communication. Also, Mr. McNeil noted that there will be an elevator to the second floor to accommodate the handicapped.

Selectman Fox stated that he was not prepared to vote on this site plan tonight because the conditions set by the various Town officials and boards are fairly comprehensive, and those Town officials and boards should have an opportunity to review the revised site plan. It was his opinion that they should then provide the Selectmen with written input as to whether or not the revisions do, in fact, meet the requirements set forth in all of the above-mentioned reports.

Atty. Cohn expressed his opinion that this site plan application be distinguished from other submittals which are incomplete and requested that

the Selectmen consider a conditional vote of approval rather than continuing the hearing. There was some discussion on the subject. Atty. Cohn responded to Selectman Donald that he had hoped to go before the Conservation Commission with the Selectmen's approval of the site plan.

Architect Ralph K. Cappola showed an architectural rendering, plan entitled, "Sudbury Inn Marketplace, Sudbury, MA.", cover sheet showing design plus sheets A-1 through A-3, dated March, 1984, by Main Street Architects. Mr. Cappola explained that the architecture of the building had been done in a manner to minimize frontage from the road side (Route 20); the view has been also softened by a 20' landscape buffer. Siding will be wood clapboard, stained grey, with brick chimney for signing; there will be copper downspouts and trim to overall enhance the colonial theme of the complex. Covered walkways have been provided along the retail area for the convenience of the shoppers.

Responding to resident Judith A. Cope, 80 Plympton Road, Mr. Cappola stated that the proposed building would be approximately one-third larger in terms of ground coverage than the existing building on the site, and that the new building's roof line would be lower. He added that the building could not be expanded in the future because of the wetlands. Relative to height of the building, Mr. Cappola stated that the allowed maximum is thirty-five feet; the proposed building is between thirty-two and thirty-four feet to the actual peak of the chimneys. Also responding to Mrs. Cope regarding estimated use of the septic system as compared to past use, Mr. Cappola stated that this (retail/office) proposal would be a lower use than that of a restaurant.

Responding to Selectman Fox regarding any plans for a restaurant at the complex, Mr. Mullen stated that they have no tenants at this time.

The Building Inspector stated that, if there is a restaurant, more parking will be necessary which could cause an encroachment on the wetlands; the applicant would have to come back before the Selectmen to address the issue of additional parking.

Selectman Fox stated that he liked what the architect had done in terms of minimizing the "mass" of the building from the view of the road; on the other hand, the Selectmen had previously discussed their general preference that parking be confined to the rear - he referenced Art. IX, 5, A, 5.b., which states that, "wherever possible, parking shall be located behind the buildings."

The Building Inspector stated that, with the Town requirement of a fifty-foot setback from the street, and because of the wetlands in the rear of this particular site, that requirement would create limitations on the size of the building. The Building Inspector added that, under the Town bylaw, for every 180 square feet of building, one parking space is required.

Also responding to Selectman Fox, who asked the Building Inspector to point out that section of the bylaw to all applicants, Mr. Scammon stated that most people already have their plans drawn before coming to the Building Department.

Atty. Cohn stated his opinion that, because of the wetlands on this particular site, it probably falls within the statutory requirements for unusual topographical conditions that would entitle them to a variance. He stated that they have not tried to vary the code at all but have tried to develop within the existing limitations - this is a site which is leaving virtually 40% of its coverage in an undeveloped, natural state. Given the restraints of the site and the understanding of the Board's preference, they have used the landscaping to address visual aesthetic concerns.

At the conclusion of discussion, Selectman Fox suggested that the hearing be continued to March 19, and the applicant(s) agreed to extend the deadline of the site plan, which expires March 18, to March 19.

It was on motion by Selectman Fox unanimously

VOTED: To continue by mutual consent to Monday, March 19, at 8:30 p.m., Site Plan 84-274 of G. Burton Mullen and Howard A. Fafard for property located at 410 Boston Post Road, in order for the Building Inspector, the Town Engineer, the Board of Health and the Planning Board to review the site plan, revised under date of March 5, 1984, and to confirm in writing that all their individual conditions have been met by said revisions, in accordance with communications dated February 28, 23, 28, and March 1, respectively.

Site Plan 84-275 - Gail McNeill, DVM, 21 Union Avenue

Present: Building Inspector Joseph E. Scammon; Town Engineer James V. Merloni; Applicant Dr. Gail McNeill; Atty. John C. Powers, and Engineer Bruce Ey, Schofield Brothers, Inc., for applicant.

In accordance with Article IX, Section V, paragraph A, of the Sudbury Bylaws, the Board considered Site Plan 84-275 of Gail McNeill, DVM, for property located at 21 Union Avenue, BD#5, owned by G. Burton Mullen, for a veterinarian office and kennel - construction of a one-story building.

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

- from the Building Inspector, dated February 28, 1984, recommending approval;
- from the Planning Board, dated March 1, 1984, recommending approval, subject to approval from the Board of Health, receipt of an Order of Conditions from the Conservation Commission, and consideration of noise created by outside dog runs;
- from the Town Engineer, dated February 15, 1984, recommending approval, subject to a permit from the Board of Health for the proposed septic system and an Order of Conditions from the Conservation Commission for work within one hundred feet of the wetlands;
- from the Board of Health, dated February 21, 1984, conditioning approval on high ground water being determined in the spring, abutter's permission for any additional fill which may be needed, and a redesign if the

water table is higher than elevation 134.5 to satisfy the regulations governing subsurface disposal of sewage;

- from the Conservation Commission, dated February 22, 1984, requiring a filing under the Wetlands Protection Act;
- from the Fire Chief, dated February 8, 1984, offering no objection; and
- from Atty. Alan I. Alford, 322 Boston Post Road, dated March 2, 1984, urging approval of Dr. McNeill's application.

Atty. John C. Powers, for Dr. McNeill, submitted a petition in support of Dr. McNeill's application and stated that it contained over six hundred names.

Atty. Powers explained that the proposed building will be used as a doctor/veterinarian's office and kennel, and that the applicant must apply to the Board of Appeals under Art. IX, Section V.G., of the bylaw for the kennel. (The Building Inspector pointed out in his above-noted communication that the bylaw allows for an animal hospital or boarding and training kennel, operated by a so-called non-profit institution with a permit from the Board of Selectmen; Dr. McNeill will need a permit from the Board of Appeals.)

Atty. Powers went on to say that the building will be located in such a way that there will be very low visibility from Route 20 and Union Avenue. Later, Engineer Bruce Ey stated that there would be an evergreen barrier so that the structure could not be seen from Route 20. The runs would not be visible at all since they would be roofed and will look like part of the building. Responding to Selectman Donald, Mr. Ey stated that the runs will be approximately 16'X24'. Atty. Powers added that there would be a stockade fence around the runs also. There will be a maximum of five employees. The building will be the equivalent of a residential ranch house with the kennel in back. Atty. Powers showed a picture of a Dartmouth House which he stated is being adjusted to fit this purpose. Later in the evening, responding to Selectman Fox, Atty. Powers stated that this was not an architectural rendering, that he was aware one was required and would submit the same to the Board showing the exterior of the structure. In the meantime, he explained that it would be a white vinyl structure with black blinds; Dr. McNeill's father added that it would have extra insulation between the walls and the exterior for noise control.

Responding to the Selectmen, Atty. Powers stated that there is an access easement from Union Avenue built into the purchase and sale agreement, and showed a locus map showing the same and the legal frontage on Union Avenue, prepared by Schofield Brothers, Inc., which the Board directed be imposed onto the site plan.

Atty. Powers went on to say that there will be a total of fifteen runs which, he reiterated, will be enclosed and fenced to keep noise down. The purpose of the runs is so that the kennel can be cleaned; they will not be excessively used - only for about 15-30 minutes twice a day.

The projected water usage, Atty. Powers stated, is approximately 250 gallons per day, the runs are steamed-cleaned so there is no problem with run-off there.

An issue raised by the Planning Board was the noise factor. Atty. Powers stated that Dr. McNeill would be agreeable to the runs being used during specified periods of the day, for example, before 9:00 a.m. and after 5:00 p.m. He added that none of the dogs will be out in the runs at night. Responding to Selectman Fox, Dr. McNeill stated that the building would not be air-conditioned but that it would be properly ventilated by the use of fans so that in the warm weather, the dogs (and the employees) would be comfortable.

Responding to the Selectmen, Dr. McNeill stated she would like to have the option of boarding dogs on the weekends. Atty. Powers added that this would be on a limited basis because of the space situation. It was noted that the maximum number of dogs which could be housed in the kennel is thirty-five.

Responding to the Board of Health's concern regarding the water table, Mr. Ey stated that the test pits would be reviewed within a couple of weeks with Health Director Michael Sullivan.

Abutter Joseph DeFranco, 1 Union Avenue, expressed concern about the effect of any noise of barking dogs on his own CPA practice and the threat this presents to him in terms of keeping his tenants; both he and some of his tenants work late at night. Mr. DeFranco wanted some assurances that any promises made now would not be broken later, either by this owner or any other - he was not convinced that thirty-five dogs in one area would not be heard by people in his building which is located approximately 100' away from the proposed kennel.

Atty. Powers stated that the kennel would be operating under Board of Appeals approval, and, if conditions of that approval are not being met, that Board could pull the permit. Mr. DeFranco stated that unless he were satisfied that he could not hear the dogs he would be unalterably opposed. Atty. Powers stated that they do not intend to make promises that they cannot back, but that any kind of operation has a certain amount of noise; he pointed out that the area is a very busy commercial area of the Town.

Town Counsel responded to Selectman Fox that the Selectmen could restrict the hours when the dogs are outside under the provision of "adjoining" areas.

Mr. DeFranco stated he was not concerned about hearing one dog bark but about contagious barking, and asked what recourse there would be if this site plan were approved with a built-in provision to limit the time the dogs would be outside. Selectman Fox responded that any violation to that provision would be a violation of the approved site plan and could be brought to the attention of the Zoning Enforcement Agent for enforcement.

Responding to questioning by Mrs. Judith Cope regarding the disposal of solid waste, Mr. Bruce Ey explained that the location of the runs have been designed so that they can be washed down for three minutes per run, and that run-off would go right into the septic system - with Board of Health approval.

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

VOTED: To approve Site Plan 84-275 of Gail McNeill, DVM, for property located at 21 Union Avenue, as shown on a plan entitled, "Site Plan of Land in

Sudbury, Mass.", dated December 9, 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:

- that prior to the issuance of the building permit, an architectural rendering be submitted to the Board of Selectmen and be approved by the Board of Selectmen;

- that the lot lines be outlined on the site plan.

- that the conditions set forth in items 1, 2 and 3 of the Board of Health's letter of February 21, 1984, be met, and that the septic system be approved by the Board of Health;

- that the petitioner file a notice of intent with the Conservation Commission; said Commission will hold a Wetlands Protection Act hearing;

- the dogs (and other animals) shall be allowed outdoors in the runs only between the hours of 8:30 - 9:00 a.m., as well as, between 5:00 - 5:30 p.m.;

- that sufficient insulation shall be installed in the building to muffle noise from one hundred feet away so that it will be reasonably inaudible; and

- that the above-noted plot plan showing access and frontage be shown on the site plan.

Joint Meeting - Park and Recreation Commission

Fairbank Community Center

In conjunction with a February 10 communication from Jane Neuhauser, Chairman of the Park and Recreation Commission, Acting Chairman Anne W. Donald convened a joint meeting with the Park and Recreation Commission to discuss the Fairbank Community Center.

Mrs. Neuhauser stated that, since their last meeting with the Selectmen on December 12, 1983, they had developed more definitive plans and financial figures and had provided the Selectmen with an outline of the additional costs which would be incurred by the Park and Rec for the supervision of the Fairbank Community Center.

Mrs. Neuhauser stated that the Park and Rec Commission had met with the Finance Committee regarding their FY85 budget. The Finance Committee's recommendation was to delete the funds included in the budget, \$70,600, for the Fairbank Community Center, in order to give the townspeople the opportunity to make that decision. Mrs. Neuhauser stated that was one of the reasons for the Commission's recent request to the Town to fill out and return the Park and Rec survey printed in the Bentley Calendar. (Mrs. Neuhauser indicated in her letter to the Selectmen that the Park and Rec feels it would be beneficial to have the Board's position regarding the development of the Community Center prior to Town Meeting.) Mrs. Neuhauser stated that 107 surveys have been returned to the Park and Rec favoring the Community Center,

and that now it is only a question of whether people want to pay for it or not.

Responding to Selectman Fox who questioned whether there was any alternative to budgeting the community center through tax dollars, Mrs. Neuhauser stated that they could charge user fees. She stated that on the projected budget for the community center, line item 700-61 shows \$6,200, but that figure would be reduced by half by charging user fees. She added that they also expect to offset their budget by setting up a foundation which may take in some money. Mrs. Neuhauser also explained that many of the items shown in the budget, line item 700-21 and 700-31 are one-time expenses, i.e., equipment and certain improvements. Regarding salaries, Mrs. Neuhauser pointed out that the suggested director's salary of \$15,000 would be offset by approximately \$4,800 - teen center, playground, and arts and crafts supervisory positions/salaries would be eliminated. The total budget submitted to the FinCom was \$215,982, of which \$70,600 was designated for the community center and was the amount cut by the Finance Committee. Mrs. Neuhauser later stated that the Park and Rec Commission would amend its budget upward by that amount on Town Meeting floor. Responding to Mrs. Neuhauser, the Selectmen indicated they had not taken a position regarding the amendment since they are hearing about it for the first time this evening.

The Executive Secretary stated that the Selectmen have quite a few positions to take, and recommended that an appropriate time to review positions might be prior to the Warrant review.

Mrs. Neuhauser explained some of the services which would be provided to the Town by having a community center - centralization of activities, a meeting place for Town organizations, a place for various teams to have award dinners, a place for workshops and lecture series.

Selectman Fox expressed his opinion that, one argument against those ideas, is that there are already places where these types of things can take place. Mrs. Neuhauser commented further that having the community center would provide a place for these different groups in the community to come together.

Park and Rec Commissioner Donald Soule added that, from the surveys received, there is an indication that adults, as well as the young people, are looking for entertainment, such as movies, at the community center. Having a professional who could coordinate the types of programs being requested by Townspeople, Mrs. Neuhauser added, would help to get these programs off the ground and get people in Town involved. Mrs. Neuhauser added that this professional could also advise on what kind of user fees could be charged.

Selectman Fox commended the Park and Rec for all the hard work they have done, and agreed with the idea of letting the Townspeople decide on the community center. He pointed out that cable television is scheduled for completion by next fall, and questioned the effect of that on the need for movies at the community center. He suggested that the Park and Rec continue to inform people about what is involved in having a community center in terms of how much it will cost, how that cost can be offset by user fees and/or other means, and what the net amount would be to taxpayers. He felt there should be further justification for appropriating such a large amount of money

for a community center, and that perhaps this information could be part of a presentation at Town Meeting.

Selectman Fox asked if Park and Rec had any provision in its plans for the community center to rent any space out, which would also offset the budget. Mrs. Neuhauser thought that might be a possibility for one of the three large rooms available, that the Park and Rec Commission would be reluctant to fill all the rooms with permanent tenants.

Mr. Thompson recommended that the Park and Rec move into the Fairbank building as soon as physically possible and that on July 1 money in the building budget, and other monies, i.e., 83ATM article 19 for the care of that building, could be turned over to them. The Commissioners indicated the importance of having a director at the community center for the supervision and coordination of the various programs. Selectman Donald recommended that Mrs. Neuhauser discuss this further with Mr. Thompson.

84ATM Article 30 - Haskell Recreation Area Development

Mrs. Neuhauser stated that the Park and Rec is opposed to the FinCom's decision to approve only \$45,000 for the above-captioned article - the \$27,000 remainder of the proposed \$72,000 article which the Fin-Com opposed was for new facilities, bathrooms, playground, pole lights, etc.

Executive Secretary Richard E. Thompson cautioned the Park and Rec to be prepared at Town Meeting to specify exactly what will not be done if the article passes with the FinCom's amendment (from the \$72,000 to the recommended \$45,000).

Selectman Donald expressed her opinion that it may not be wise for the Park and Rec to go before Town Meeting with two articles, each asking for approximately \$70,000. Selectman Fox thought it might be more realistic for Park and Rec to go for the \$70,000 in their budget but perhaps to agree to the amended amount on this article.

The Selectmen briefly discussed the breakdown of estimated costs in the article.

In conclusion, Acting Chairman Donald thanked the Park and Rec Commissioners for their attendance.

Loring School Proposals

Present: Harvey R. Peters, Lee Goldstein, Myra Snyder and Thomas S. Travers, B'nai Torah; and Vicki Hammel, Sudbury Community Arts Center, Inc.

Executive Secretary Richard E. Thompson stated that, in response to the Town's advertised request for proposals for the purchase or lease of the Loring School, Woodside Road, the following had been received:

- a proposal from the Sudbury Community Arts Center, Inc., dated March 1, 1984, requesting a ten-year lease to continue operating as they have over the past year;

- a proposal from B'nai Torah Congregation, dated March 1, 1984, to purchase the Loring School for \$170,000 in ten annual installments of \$17,000, to use the building for religious purposes, and with the intention of leasing the classroom section to the present tenants, if they wish to continue to lease, or to other non-profit organizations; and

- a proposal from Massachusetts Cerebral Palsy of Greater Boston, dated February 29, 1984, for a ten-year lease at \$1,000 per year with certain listed conditions, with an alternative to purchase for \$50,000.

Selectman Fox asked for the following additional information with regard to B'nai Torah's proposal to purchase the building:

- that the area to be sold be defined so that it can be compared with what is presently being leased and/or with the recommendations made by the Town Facilities Committee approximately one year ago;

Mr. Thompson stated that he would ask the Town Engineer to prepare a plot plan, and added that the area to be sold would exclude the playing field and the adjacent parking area.

- that the terms offered, \$17,000 in cash installments over ten years, be evaluated compared to \$170,000 lump sum payment . . . what is the interest/investment loss to the Town?

Mr. Thompson stated he would provide the Selectmen with other proposals which were submitted approximately a year ago, and any backup information which would help explain the then Selectmen's position to reject the same.

- input from B'nai Torah as to its full-time space requirement - what area might be available for lease; specifically, available to the Sudbury Community Arts Center.

Selectman Fox asked that B'nai Torah communicate with the SCAC since its one-year lease expires June 30. Mr. Peters stated they planned to do that.

Selectman Fox stated that the Selectmen's priorities have been to 1) sell the building, 2) enter into a long-term lease, 3) enter into a short-term lease, or 4) raze the building, in that order; accordingly, they are compelled to seriously consider the offer from B'nai Torah to purchase the building. Selectman Fox commended the SCAC for the fine job it did in cleaning up the building and successfully sub-leasing it.

Mrs. Vicki Hammel stated that she is a member of the SCAC, that she and her husband moved to Sudbury the first year the Loring School building was offered for sale, and they had offered to lease the building for the Longfellow pre-school for \$30,000 a year with the intention to lease any extra space to artists, etc.; the Selectmen turned that offer down. They then offered to buy the building for \$150,000, at that time the highest bid was \$200,000, and theirs and all other bids were rejected by the Selectmen. Mrs. Hammel continued to say that the Selectmen then decided to raze the building which brought the Hammels' to the formation of the SCAC - the terms were a one-year lease, with a desire on their part, for a future long-term lease, so that the building could be used and the townspeople could use the

property. Mrs. Hammel stated that the SCAC has now been in the building for eight months - they have currently leased out ten rooms; the building has been painted; windows, roof and the outside of the building have been repaired; and the building has been offered to groups in Sudbury free of charge. Mrs. Hammel went on to say that the SCAC has sponsored fundraisers for various organizations and for themselves, and considers the Loring School building a community area with a focus on the arts. She expressed her opinion that, if they are allowed to continue with a long-term lease, it will make an attractive contribution to the Town and it will not cost the Town anything, unlike the proposed Fairbank community center.

Selectman Fox only questioned that 2-3 years down the road there could be some serious and expensive problems with the heating system or the roof, etc., and that the Town would not be prepared to expend the kind of money necessary to correct these types of problems.

Responding to Selectman Donald, Mrs. Hammel stated that the SCAC is insured for one million dollars.

Mrs. Hammel stated that it would be satisfactory to the SCAC to work with B'nai Torah - that its goal remains that the Town have access to that land and building.

Mrs. Hammel stated that it took longer than anticipated to negotiate a lease with the Town; also, that if they could be assured of a long-term lease with the Town, they would have no trouble leasing out more rooms, since there is a waiting list of individuals/groups who want to use the space but who want assurances that they can remain there for a substantial period of time.

Town Counsel stated that 84ATM, Article 38, Disposition of Loring School, provides for the sale of the building; that, if the Selectmen decided to re-lease the building, that action would not require Town Meeting action.

Ms. Carolyn Colby, President of the Sudbury Art Association, stated her recollection of Town Meeting was that most people did not want to sell or raze the building, and the question was raised that 10-15 years down the road that building may be needed as a school once again.

Mr. Thompson explained that the building had been turned over to the Town by the School Department, that the Superintendent of Schools had confirmed that, according to statistics, that school would never be needed again; also if it were to be used as a school again, would almost surely not meet the new safety and handicapped standards for schools today.

Selectman Fox added that, if there were a reversal and a school were needed, there is still room at Nixon, Haynes and/or Noyes Schools. Selectman Donald added that she could see no justification, with a limited budget, for maintaining a building that the Town can get along without.

Mr. William Adelson, Board member of SCAC, stated he has seen a lot of growth in programs at the Center, and expressed his opinion that it was very stimulating for the pre-school, which uses a good portion of the building, to be in this cultural environment.

Mr. Adelson stated his opinion that, whatever the Town decides, perhaps some contingent factors could be written into a sale to guarantee continued development of the cultural programs at Loring.

Selectman Fox stated that it would not be possible for a sale to be contingent on that type of request, but that he would like to see another facility, like a community center, consolidate these functions.

Mr. Anthony Baudanza of the SCAC Board asked if there are any stipulations regarding re-sale; Selectman Fox responded that it could be sold to anyone interested in using the property in accordance with the zone (residential) and/or the use permitted in that particular zone (residences/non-profit, educational use).

Mr. Peters stated that B'nai Torah is sensitive to the need for an art center, and to the extent that it is feasible, they would do anything to accommodate the SCAC.

At the conclusion of discussion, the Selectmen took all proposals under advisement until receipt of additional information from the Executive Secretary as requested above.

84ATM Articles 25 and 47

The Board noted receipt of communications from Town Counsel's office relative to Articles 25 and 47, both dated February 29, 1984.

Resolution-Deferred Compensation

It was on motion by Selectman Fox unanimously

VOTED: To sign a resolution relative to the establishment of a deferred compensation plan for the Executive Secretary.

Mr. Thompson informed the Board that Chairman Murray had authorized his signature on the resolution so all signatures of the Board would appear.

Chairman's Statement - Article 47

The Board noted receipt of a statement, dated March 2, 1984, from Chairman John E. Murray, opposing Article 47, Commercial Development Moratorium.

Chapter 90 Construction Funds

It was on motion by Selectman Fox unanimously

VOTED: To confirm the Board's signing (John E. Murray and Anne W. Donald) on March 1, 1984, of a Chapter 90 Project Request Form under M.A.#30593 for Union Avenue Drainage & Reconstruction.

Meetings

It was on motion unanimously

VOTED: To reschedule the Board's regular meeting of Monday, March 26, to Thursday, March 29, at 7:30 p.m., because of the Annual Town Election on March 26, subject to rescheduling said meeting during the week to Wednesday, March 28; to confirm the Annual Town Meeting Warrant review at 8:00 p.m. at said meeting; and to cancel the March and April Town Fathers Forums.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of February 27, 1984, as amended.

V.S.H. Realty, Inc., 470 Boston Post Road

The Board noted receipt of communications as follows:

- from Town Counsel to Richard L. Longton, Vice-President, of V.S.H. Realty, Inc., dated February 17, notifying him of the Selectmen's intention to hold a public hearing on March 12, at 9:00 p.m. to determine whether his license, granted under c.148,s.13, and site plan approval, should be revoked (see communications from the Fire chief, dated February 21, and jointly from the Conservation Commission and the Board of Health, dated February 17, indicating that V.S.H. had not complied with the conditions of their site plan approval of July 11, 1983).

- from Mr. Longton to Conservation Commissioner Stephen Sandler, dated March 12, 1984, enclosing a certified plot plan indicating compliance with various Order of Condition criteria and copies of drilling logs for three additional observation wells installed by Soil Exploration, and stating that Zecco, Inc., is working on the alarm system which should be operational by March 15.

Selectman Fox suggested that, in the future, the Selectmen include time constraints for the completion of various site plan conditions, i.e., monitoring wells be installed before a building or occupancy permit can be issued. Selectman Fox expressed his opinion that there be some provision to prevent this from happening in the future. Selectman Donald expressed her concurrence.

Mr. Thompson stated that, according to Mr. Longton, monitoring wells had been installed today, there will be a 3-4 week delay on the alarm system, and V.S.H. has applied to the Board of Appeals for a variance from the 70% setback requirement for the canopy.

At the direction of Selectman Fox, the Board directed the Executive Secretary to contact V.S.H. informing them that they should be ready to address all concerns raised by the Board of Health, the Fire Chief and the Conservation Commission at the Selectmen's hearing to consider revocation of V.S.H.'s license to store inflammables on March 12, and to inform Mr. Longton that he should act as quickly as possible on all items still requiring compliance.

Minutes - Police Meeting

The Board acknowledged receipt of police union minutes of a February 17 meeting to discuss the removal of Sudbury Police Chief from Civil Service.

Cable Television

Mr. Thompson stated that he had spoken to Town Counsel, and that he would be prepared to discuss the cable television provisional license with the Selectmen and Mr. Henchy of Adams-Russell next week, Monday, March 12.

Executive Session

At 11:30 p.m., it was on motion by roll call

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

(Acting Chairman Anne W. Donald, in favor; Selectman Fox, in favor.)

Acting 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 11:50 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk