

IN BOARD OF SELECTMEN
MONDAY, MARCH 28, 1984

Present: Acting Chairman Anne W. Donald; Myron J. Fox 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 Acting Chairman Donald.

Reorganization of Board

Relative to the reorganization of the Board of Selectmen, it was on motion by Selectman Fox unanimously

VOTED: To elect Anne W. Donald Chairman of the Board of Selectmen, effective immediately, until the next reorganization of the Board of Selectmen;

and it was further on motion by Selectman Donald unanimously

VOTED: That Richard E. Thompson continue to serve as Clerk to the Board of Selectmen;

and it was further on motion by Selectman Fox unanimously

VOTED: To appoint Anne W. Donald Middlesex County Advisory Board Designee and Richard E. Thompson Massachusetts Municipal Association Legislative Liaison;

and it was further on motion by Selectman Fox unanimously

VOTED: To set the time and place of the Selectmen's meeting to be on Monday evenings at 7:30 p.m., in the lower Town Hall, until further change, as necessary, after consulting with the Planning Board to coordinate meeting times and eliminate the conflict of Monday evening meetings.

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

Present: Building Inspector Joseph E. Scammon; Fire Chief Michael Dunne; Chairman Richard O. Bell and Gordon D. Henley, Conservation Commission; Chairman Theodore P. Theodores, Planning Board; Applicant G. Burton Mullen, Atty. Andrew W. Cohn, Architect Ralph K. Cappola, Engineer Gerard McNeil; Russell Kirby, 244 Boston Post Road, and approximately 50 residents.

Subsequent to the March 5 public hearing on Site Plan 84-274 of G. Burton Mullen et al, for property located at 410 Boston Post Road, the Board was in receipt of the following communications:

- from the Planning Board, dated March 13, indicating that none of the issues contained in its March 1 letter (six listed) were addressed by the revised site plan, dated March 23, 1984; additionally, requesting that the Selectmen require an environmental impact statement especially regarding traffic safety and drainage on Route 20, and that septic sizing be established by the Board of Health and indicated on the plan;

Note: Later in the evening, responding to the Selectmen, Mr. Theodores stated that the septic sizing had been received but not noted on the plan.

- from the Building Inspector, dated March 19, stating that the changes recommended in his February 28 report have been addressed by the revised plan,

except that the handicapped ramp at the south end of the building needs to be labeled on the plan, and recommending approval;

Note: Mr. McNeil later stated he would correct the original plan to show the handicapped ramp.

- from the Town Engineer, dated March 14, stating that the site plan has been revised to conform to the requests in his February 23 report to the Board and, therefore, recommending approval;

- from the Fire Chief, dated March 15, stating that his initial concerns, of February 21 had been addressed by the applicant to his satisfaction;

- from the Conservation Commission, dated March 14, stating that, after review of the revised site plan, it had determined that a Notice of Intent filing will be required as proposed construction includes work in the buffer zone and filling of the wetlands in an area of the parking lot;

- from the Board of Health, dated March 26, stating the reasons why the Board of Health had issued a variance for the leaching facility which did not meet the 6' above the water table requirement, and conditioning approval on a definitive subsurface disposal plan to be approved by the Board of Health, the provisions that Town water be provided and that the only businesses to occupy this building will be office and retail.

Note: Later in the evening, the applicant agreed that the only businesses to occupy this building will be office and retail.

The Building Inspector showed the site plan, dated January 18, 1984, revised March 5 and again on March 23.

Relative to the Planning Board's concerns raised in its March 13 letter, the following was discussed:

1) Engineer Gerard McNeil stated that the drainage calculations have been submitted (separately, not shown on plan) to the Town Engineer for his review. This was confirmed in the Town Engineer's latest report of March 14, which indicated that storm drainage computations have been submitted for review and appear to be adequate, and that the drainage system has been revised to discharge all surface runoff to the wetland in the rear of the property. Planning Board Chairman Theodore Theodores indicated the problem was that the drainage calculations had been submitted separately and not shown on the plan, and, after discussion, agreed with the procedure since it appeared to be satisfactory to the Town Engineer.

2) The proposed pipe size, type and slope are provided on the revised plan, and were pointed out on the plan.

3) Relative to the request for more information on parking lot traffic flow, truck access and loading, Mr. McNeil stated that he had explained those questions at the Selectmen's March 5 meeting, as he had at the Planning Board's hearing, and did not feel that more information was required. Mr. Theodores questioned the location of the loading dock. It was noted that

at the previous Selectmen's hearing there was discussion and agreement that the handicap ramp could be used as a loading dock during restricted hours.

4) Mr. McNeil had stated at the March 5 public hearing that the plan, revised under date of March 5, incorporates 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.

5) Landscaping - complies as shown on the revised plan; and

6) The applicant(s) recognizes that Board of Health approval and an Order of Conditions from the Conservation Commission are required.

Regarding item #1 of the Planning Board's March 13th letter, that the Selectmen ask the developer for an Environmental Impact Statement regarding traffic safety and drainage on Route 20, Mr. McNeil stated that the Town Engineer's opinion is that the traffic and drainage as proposed are satisfactory.

Selectman Donald pointed out that the Board of Health's letter implies that the hydraulic gradient of the water table is in a northeasterly direction away from the Town wells, and that the proposed office and retail usage would generate approximately 5,000 gallons per day less than a restaurant use.

Selectman Fox stated that, in terms of the environmental statement requirement, in his opinion, the Selectmen have some experience regarding the traffic study, drainage and septic issues at that location because of the present use, and that he personally would rather see stores there and not a restaurant.

Selectman Fox asked the petitioner to address the Town Bylaw requirement that "wherever possible, parking shall be in the rear". This, he stated, is an issue he has spoken on in the past, and on which some valid points had been raised in conjunction with this site plan by Mr. Russell Kirby at the Board's last meeting.

Mr. McNeil stated that the architect worked with the engineers on design in terms of addressing this issue. The best percolation for a septic system is in the front of the property where the existing building is right now, and with the wetlands in the rear, the parking had to curl in to the side and the building be situated as proposed.

The Selectmen stated that it appears parking is not possible in the rear of the building on this particular site, given the wetlands in the rear.

Mr. Russell Kirby expressed his objection to this site plan which shows parking in the front of the building on a site where a building now stands with parking in the rear. He indicated that, unless it is proven that it would be impossible to develop this piece of property in some alternate way so that a 50' setback from the road is observed, possibly with the septic system placed within that 50' setback, and parking in the rear, even if this means that a scaled-down building (as the Building Inspector had indicated at the March 5 hearing) must be built, the Selectmen should not make any exception to

this Town bylaw. Mr. Kirby questioned whether the Selectmen or any other Town agencies had challenged this site plan proposal; submitted that the proposal before the Selectmen is not the only alternative for developing this site; suggested that parking could have been in the rear on most all of the developments along Route 20 and was not; and stated that the Board of Health's recommendation for the placement of the septic system and leaching field applies to only this particular architectural design, indicating that there are alternatives for the septic design as well.

During Mr. Kirby's statements, Chairman Donald had pointed out, in part, that the proposed building is situated approximately 50' or more back from the road but that the existing building is not - it and the septic system are non-conforming; also, that the Selectmen must rely on the Board of Health's recommendation for the size and location of the septic system for a given building.

Following further discussion, Selectman Fox asked the applicant to address Mr. Kirby's points.

1) Mr. McNeil stated that the existing building is non-conforming, also is over one hundred years old. The septic system is also non-conforming and neither meet the current standards of the Town.

2) Responding to Selectman Fox, who asked if they had exhausted all possibilities of putting the parking in the rear, Atty. Cohn stated that, because of the extensive wetlands, it would be possible to apply for a variance for topographical conditions under c.40A and that the applicant has no plans to do so - it being the applicant's desire to preserve the wetlands, which will enhance the design of the overall site. Mr. McNeil added that they had analyzed all alternatives in the realm of what is possible and what is feasible, both financially and physically, taking into consideration the existing site conditions, as well as, the desires of the Town in terms of coverage, and that this appears to be the best solution.

Mrs. Judith A. Cope, 80 Plympton Road, indicated that this site plan is a good example of the importance of the role of a Town Planner to act as coordinator between various Town boards and applicants on site plan issues.

At the suggestion of Selectman Fox, the Board directed the Executive Secretary to send a memorandum to the Building Inspector, the Town Engineer, the Board of Health, the Conservation Commission, and the Planning Board, pointing out the section of the bylaw pertaining to parking in the rear and the Selectmen's interpretation of the bylaw that this wording be considered whenever possible.

The Selectmen agreed that architecturally this is a pleasing building, and the placement is preferable to what is on the site now. Also, with respect to traffic safety, the point was made that the new use would eliminate the serving of alcoholic beverages and thus remove the possibility of drinking drivers exiting the premises.

In conclusion, it was on motion by Selectman Fox unanimously

VOTED: To approve Site Plan 84-274 of G. Burton Mullen and Howard A. Fafard, for property located at 410 Boston Post Road, as shown on a plan entitled,

"Site Plan of Land on Boston Post Road, Sudbury, MA., Owned by G. Burton Mullen & Howard A. Fafard, The Fafard Companies", dated January 18, 1984, revised March 5 and 23, 1984, and architectural renderings by Main Street Architects, sheets A-1-3, dated March, 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) an approved Order of Conditions under the Wetlands Protection Act by the Conservation Commission, as applicable;
- 2) approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer;
- 3) placement of all utilities underground;
- 4) extension of Sudbury Water District lines to the site by the owner; no wells to be installed on the site;
- 5) approval of signs or advertising devices as required under the sign bylaw;
- 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 and the Fire Department;
- 7) submission of an "as built" site 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;
- 8) septic sizing be established by the Board of Health and indicated on the plan;
- 9) approval of and issuance of a permit by the Board of Health for the septic system;
- 10) that a definitive subsurface disposal plan be approved by the Board of Health;
- 11) the only businesses to occupy the building will be office and retail use; and
- 12) a building permit shall not be issued until all the above conditions are met.

The Board did not sign the plan. It will be brought back to the Board for signing after final revision.

84ATM Warrant Review

Present: Moderator J. Owen Todd; Town Clerk Jean MacKenzie; Fire Chief Michael Dunne; Town Accountant James Vanar; Town Treasurer Chester Hamilton; Highway Surveyor Robert A. Noyes; Assessor Chairman David M. Collins; Chairman

James A. Pitts, Secretary Cathy Wyman, Thomas G. Dignan, Jr., Marjorie Wallace, and William H. Maurhoff, Finance Committee; Chairman Richard O. Bell, Gordon D. Henley and Frank A. Scofield, Conservation Commission; Chairman Theodore P. Theodores, Lael M. Meixsell, and former member Olga P. Reed, Planning Board; Chairman Henry P. Sorett, Personnel Board; Water District Commissioner Milton Bartlett and Secretary Winthrop Fairbank; Chairman John C. Powers, Historical Commission; Goodnow Library Trustee Aleta F. Cane; Richard F. Brooks, Lincoln-Sudbury Regional School District Committee; and approximately 50 residents.

At 8:00 p.m. Chairman Donald welcomed the Moderator and Town officials, boards and commissions, and called the 1984 Annual Town Meeting Warrant Review to order.

There followed a review of the Warrant with motions, presentations, and procedures for each article discussed and agreed upon.

At the conclusion of the meeting, Chairman Donald expressed appreciation to all who attended.

84ATM Articles - Assignments and Positions

During review and discussion of 84ATM articles not previously assigned or which the Selectmen agreed to reassign, and on those which the Selectmen had not previously taken a position, it was on motion unanimously

VOTED: To take the following positions on 84ATM Warrant Articles:

- To support the following articles: 1, 2, 3, 6, 7, 8, 10, 11 (support shared appropriation by Towns of Sudbury and Wayland to repair Sherman's Bridge), 12, 15, 22, 23, 24, 25, 26, 27, 28, 29, 30 (support Finance Committee's recommendation, \$45,000), 32, 34, 35, 36, and 37;

- To hold positions on the following articles: 5, 17, 18, 19, 20, 21, 31, 33, 38, 39, 40, 41, 43, and 44;

- To motion to indefinitely postpone the following articles: 9 and 45;

- To oppose* the following articles: 46 and 47; Chairman Donald to speak on both articles.

- To speak as individuals on article 14.

* Opposition to articles 46 and 47 was based on the following opinions by the Selectmen:

- Article 46: The Selectmen agreed that it was not appropriate to rezone this parcel from residential to create a business district at Route 20 and Landham Road. There has been recent consternation by the Selectmen, Town officials, boards and committees, and Townspeople relative to the recent amount of commercial development in the Town, and there are a number of articles in the Warrant for the 84ATM dealing with control of the same;

- Article 47: The Selectmen agreed that passage of this moratorium article would only defer construction for one year with no future plan in mind when the year's time is up; also, this article prevents small additions/beautification projects to existing buildings in commercial zones, which was not the real intent of the article. Selectman Fox pointed out other ways attempts are being made to control growth in Town - the importance of having a Town Planner (included in 84ATM budget article 5, line item 512-10); the recent application and award of a State grant in the amount of \$15,000 to update the Town's master plan; the inclusion of 84ATM article 19 to provide an architectural review process by the Planning Board. Selectman Frost agreed with Selectman Fox and expressed concern regarding the financial impact to the Town with the passage of this article, and suggested that financial loss to commercial property owners through rising construction costs and interest rates in a year's time could result in a more shoddy type of construction.

Note: major current site plans affected by the moratorium article are Mill Village; G. Burton Mullen et al, 410 Boston Post Road; S. F. Doyle, 321 Boston Post Road; Harris and Paul Sandler, Route 20 and Dudley Road; Grace Desjardin, 758 Boston Post Road; and Gail McNeil, 21 Union Avenue.

It was further on motion by Selectman Fox unanimously

VOTED: To support budget line item 512-10, Town Planner, 84ATM article 5.

Note: Articles 4, 13, 16 and 42 have been withdrawn.

Also during discussion the following decisions were made:

- Chairman Donald will speak on articles 8, 11, 46 and 47, and make the motions for articles 7, 8, 9, 12, 36, and 45;
- Selectman Fox will make the motions on articles 15, 35 and 37;
- Selectman Frost will make the motion and speak on articles 30, 32 and 33, if necessary.

Article 11. The Board directed the Executive Secretary to ask Town Counsel to review the wording of this article and to contact the Town Treasurer, as he requested, regarding the same; also, to forward a copy of a March 6th communication from Keyes Associates relative to repair/reconstruction of Sherman's Bridge to James A. Pitts, FinCom.

Article 12. The Executive Secretary was directed to contact the Town Engineer and request that he make a presentation on this article.

Article 14. Selectman Fox opposed this article on the basis of what he personally felt the Town's priorities for spending should be, i.e., fire, police, teachers. Selectman Frost agreed that he, too, would oppose this article if it meant cutting services, but agreed with the Finance Committee's recommendation to support the article subject to state reimbursement. As noted above, the Board voted to speak as individuals on this article.

Articles 17-21. The Executive Secretary was directed to confirm final wording of these articles for the Board.

Article 31.

Present: Jeffrey W. Moore, Conservation Commission; Anne Stone and Clarence E. and Donna A. Mills.

Conservation Commission member Jeffrey W. Moore explained to the Board that the balance to the Town to purchase development rights on the Stone property would be \$295,567; that the Conservation Commission would be applying \$37,383 from 81ATM, Article 30, Barton Land Acquisition, for a total contribution from the Town of \$332,950; the State's contribution would be \$279,050 for a total of \$612,000 - the amount necessary to purchase the development rights. Responding to the Selectmen, Mr. Moore stated that the appraisal received for the fair market value of the property was \$675,000 and the State's appraisal for the agricultural value of the land was \$63,000.

Mr. Moore further explained that Mr. Stone currently cuts hay on 70 acres of land in Sudbury in addition to his own land, parcels assessed under c.61A; that the Stones have offered to accept payments from the Town (with interest) over a period of years for the purchase of the development rights; that the Conservation Commission has been working very closely with the Town Treasurer and Town Counsel and have discussed municipal bonds in FY86 resulting in a minimal charge to the Town in FY85, the use of the stabilization fund (Mr. Thompson informed Mr. Moore that the FinCom Chairman indicated that he would not support use of the stabilization fund for this purpose), and serial bonds issued by the Town to the Stones. Mr. Moore stated that the Commission would be meeting with the FinCom on the final numbers; that he hoped they could put together a financial package that would be attractive enough that Town Meeting will see the feasibility of this purchase over a 5-10 year period - he hoped the Town would be able to preserve this land and avoid the possibility of it being sold to a developer and subdivided into house lots.

Mr. Moore stated that the Commission is working with the Stones on the possibility of a trail easement on their property; that currently the property is used by the public for cross country skiing.

During discussion and following comments by the Selectmen, it was their consensus that, although they were in favor of the idea, they wanted the final figures before taking a position on this article. As noted above, article 31 was held.

Article 33. The Board directed the Executive Secretary to contact the Industrial Development Commission and the Water District regarding positions on this article in order for the Board to also take a position.

Article 38.

Present: William J. Adelson (and Vicki Hammel, present earlier), Sudbury Community Arts Center.

Following a brief discussion with Dr. William J. Adelson, representing the Sudbury Community Arts Center, it was on motion by Selectman Fox unanimously

VOTED: To not accept offers in the manner submitted by B'nai Torah, \$170,000 at \$17,000 installments over ten years, and by the Sudbury Community Arts Center, dated March 27, \$180,000 at \$18,000 installments over ten years, but to consider instead a lump sum payment; and, accordingly, to direct the Executive Secretary to contact both B'nai Torah and the Sudbury Community Arts Center relative to any interest on their part in submitting, prior to Town Meeting, a proposal to purchase the building outright, setting a deadline for submittal of Monday, April 2 at 4:00 p.m., at the Selectmen's office.

Note: This article would authorize the Selectmen to sell the Loring School building at a minimum price.

Articles 39 and 40. The Executive Secretary was directed to update newly-elected Selectman Frost on these articles.

Note: The above discussions/decisions took place throughout the evening and are grouped for continuity.

Site Plan 84-278 - Grace Desjardin, 758 Boston Post Road

Present: Applicant Grace Desjardin, Atty. John C. Powers, Architect John T. Brennan, Engineers Bruce Ey and Richard Skarinka of Schofield Bros.; Building Inspector Joseph D. Scammon; Fire Chief Michael Dunne; Chairman Theodore Theodores, Lael M. Meixsell, and former member Olga P. Reed, Planning Board; and approximately 50 residents.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan 84-278 of Grace Desjardin, for property located at 758 Boston Post Road, zoned Residential/Business District #6, for construction of a 37-unit inn including a breakfast eating area, to be known as Coach House Inn.

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

- from the Conservation Commission, dated March 14, determining that a full Notice of Intent filing will be required by the applicant because of proposed construction in the buffer zone of the wetland and the creation of a runoff detention area;

- from the Fire Chief, dated March 15, offering no objections to this site plan;

- from the Board of Health, dated March 9, recommending approval subject to the conditions outlined in its communication of January 17, as follows: that the Conservation Commission locates the boundaries of the wetlands and the leaching facility serving the motel be 75 feet from these wetlands; that the restaurant will be used for breakfast only and no alcoholic beverages will be served; and that Town water is provided;

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

- from the Town Engineer, dated March 19, recommending approval subject to Board of Health's approval of the septic system;

- from the Planning Board, dated March 26, recommending disapproval because of the increased traffic flow and traffic safety, and the intensity of non-percolating surfaces. The Planning Board asked that the following concerns be addressed: what the impact of the increased leaching field will be on the abutting conservation area; that the breakfast eating area be restricted to the serving of breakfast and non-alcoholic beverages only; that outdoor lighting be directed away from the neighbors; the plan could be on a significantly smaller scale; and periodic maintenance of oil and grease traps; and

- from Doris W. Moynihan, dated March 26, supporting the site plan.

Atty. John C. Powers, for the applicant, stated that the proposed use is an allowed use in Business District #6, subject to a permit being granted by the Board of Appeals; that the prohibited uses for this District under the Town Bylaws have no application to this proposal.

Atty. Powers pointed out that the Town Zoning Bylaws guide the rules and regulations and provisions of the Site Plan Approval Bylaw, specifically that the Town Zoning Bylaw for Business District #6 does not contain a proviso prohibiting use "seriously detrimental or offensive to adjoining districts" as it does for use in an industrial district (Art. IX, III, 2.a.), for example; and, although that provision is in the Site Plan Approval (Art. IX, V - Special Regulations, A, 1.) said regulations are subservient to the Zoning Bylaw. There was some discussion between Selectman Fox and Atty. Powers on these points.

There followed an explanation by both Atty. Powers and architect John T. Brennan of the major structural changes to the site plan as originally submitted:

- A reduction in the number of rooms from forty-nine to thirty-seven, which is a 26% reduction in the size of the building, and approximately a 26' reduction in the length;

- The canopy over the front entrance, which gave the building a longer appearance, has been eliminated;

- Seven parking spaces under the building have been eliminated;

- Access/egress has been limited to one. A westerly access will be accessible by emergency vehicles only;

- A fence has been added along the back driveway which will act as a screening device and help eliminate the glare of any lighting;

- The deck along the length of the building in the rear has been eliminated and the lighting in the rear has been removed; lighting will now be indirect, facing the parking lot floor, and will not be a glare factor laterally to any of the neighbors; and

- The breakfast area has been reduced from 50 to 30 seats;

Engineer Bruce Ey and Atty. Powers explained the engineering changes, as follows:

- Under the current bylaw, a building can occupy 60% of the lot; under the proposed bylaw (84ATM Article 18), 40%. This site plan shows a building which will occupy 12% of the lot (the first submittal was for approximately a 15% coverage);

- The current bylaw makes no provision for impervious surface; the proposed bylaw does. If the proposed bylaw passes, the proposed impervious surface of this site plan would represent 43.3% of the allowed 60% (see calculation sheet submitted at hearing);

- The original proposal had two entrances, one to the east, and one to the west, of the property. The westerly entrance, at the intersection of Lafayette Road and Boston Post Road, has been eliminated except to serve emergency vehicles. The only entrance is over 300' from that intersection to the east. The Town Engineer has approved this change with a minor change to the width of the entrance, which complies to the Town Engineer's recommendation on the initial site plan submission;

- The septic system, one in the rear and one in the front, as approved by the Board of Health on the original submittal, has not changed; the capacity now of the septic system, where the use of the septic system will be considerably less, is a built-in safety factor;

- Curb cut permits were signed by the State Department of Public Works, March 2;

- A 6' stockade fence has been provided for screening along the entire edge of the parking lot along the paved area; and

- Estimated traffic counts generated by the motel on initial submission was 37 cars between 7:00-9:00 a.m., which is now reduced to 28 cars or a 1/3 decrease in usage based on the decreased number of rooms.

Responding to questioning by Atty. Powers, Mr. Ey answered in the negative to all of the conditions listed in the Zoning Bylaw which would prohibit a proposed use in this Business District.

Responding to Atty. Powers, Applicant Grace Desjardin explained that she has been a resident of Sudbury since 1958; she will be the principal operator of the motel. She explained the many capacities in which she has served the Town and her participation over the years in various Town organizations/clubs, etc. Mrs. Desjardin indicated she would accept any limitations set by the Town on the operation of the breakfast room.

Atty. Powers submitted a petition to the Board, which he stated was signed by hundreds of residents supporting Mrs. Desjardin's proposal.

Atty. Powers reviewed a traffic accident report from the local Police Department and, based on the same, concluded that this is not a highly hazardous traffic area. Relative to sight distances, Atty. Powers stated this plan meets all standards of the State DPW as is proven by the issuance of the curb cut permits.

Atty. Powers stated that the Selectmen have approved many site plans with far greater traffic flow on portions of Boston Post Road than what is being proposed here. He stated that this is a small zone, far removed from congestion of any sort, with sight distances far above any that appeared in any of the site plans that have come before the Selectmen and met with their approval. Atty. Powers added that this site plan will generate a small amount of traffic.

Atty. Powers stated it is their collective belief that the site plan should be granted, all bylaws have been complied with, the project has been reduced in an effort to comply with Town Bylaws, even those not yet passed. He stated he respects the opinions of those who do not want any new or expanded business in Sudbury, but hoped that all will respect the applicant's right to expand and modernize land which the Town has zoned for such purposes since 1939, long before the abutting residential subdivision was approved; that the applicant has been paying taxes at the inflated level for many years, and feels the project would be an addition to Sudbury.

Atty. Powers pointed out that there is a motel on that property now, and the engineers had superimposed the plans of the proposed building on that of the existing and the proposed plan is smaller. He urged the Board's support of the proposal, pointing out that the Building Inspector/Zoning Enforcement Agent, the Board of Health, the Town Engineer, and the Fire Chief have all indicated opinions that the site plan should be approved.

Selectman Frost commended the applicant for the type of compromise shown here.

Relative to Item 4 of the March 26 Planning Board letter, Selectman Fox asked if the Planning Board had some specific number in mind when suggesting that this plan could still be on a significantly smaller scale.

The Planning Board members who were present did not have an answer to that question.

Citizen input and responses as follows:

Responding to Mrs. Jill McPhee, 15 Woodland Road, Selectman Fox stated that ATM84, Article 20, would not apply to this site plan, but that moratorium article #47 would.

Mrs. Carole Goldstein, 2 Washington Drive, regarding prohibitive use on the basis of contamination of ground water and pollution of streams, questioned how the septic system and the structure will affect the water level of the pond. Mr. Ey stated that the septic system is more than 100' from the edge of the wetland vegetation and meets all the criteria of the State Environmental Code and local Board of Health regulations. The actual flow into the system is so small compared to the water shed that flows into the pond that it would have no effect on the flooding situation of that pond.

Mr. Shepard Goldstein, 2 Washington Drive, asked if the additional asphalt coverage will cause additional drainage to the pond. Mr. Ey said that the drainage from this entire water shed flows into that pond, that the applicant will be filing with the Conservation Commission, and that a very

detailed drainage analysis had been submitted with the site plan and those calculations have been approved by the Town Engineer.

Town Counsel responded to Mr. Goldstein that a common victualler license would be required for serving food in the breakfast room/restaurant. The Building Inspector stated that the parking is figured on the basis of the thirty seats.

Mr. Miles Nogelo, 19 Washington Drive, submitted that the accident report statistics given by Atty. Powers were not correct.

Mr. Robert Walker, 47 Washington Drive, stated he is not happy about the prospect of having to look at the back of this building, and expressed his opinion that the applicant purposely submitted an "obnoxious" plan originally so that any subsequent plan would appear to be a good compromise. Mr. Walker commented on the tremendous amount of development in Town over the last 2-3 years - that it would be a mistake to approve further development on Route 20. He further commented on the difficulties of getting onto and off Route 20 from and to Lafayette Drive at the present time, especially during peak traffic hours, and he questioned the impact of additional traffic generated by the motel. Mr. Walker felt that someone has to determine that Route 20 is not capable of handling any more cars, and make a determination as to whether any additional traffic would be a health hazard to this Town. He stated his opinion that any further site plan approvals whatsoever on Route 20 would be a serious mistake.

Responding to David Portney, 32 Adams Road, Chairman Donald stated that the Planning Board's recommendation to not approve this site plan, as well as recommendations from any other boards/commissions, is an advisory one to the Selectmen.

Mrs. Anita Pearson, 34 Washington Drive, stated that no decision should be made until a traffic study is conducted; that there are motels in neighboring communities; that this particular piece of property is not well maintained now and questioned the maintenance on a larger scale; noted that the neighborhood already has a five-day-a-week office operation at the abutting Want Ad building and questioned nuisance (noise/deliveries) of a seven-day operation at the motel.

Mrs. Carol Sokoloff, 3 Washington Drive, stated that the pond behind the motel has a one hundred year storm culvert for the protection of the neighborhood. Mrs. Sokoloff stated that the trap is constantly clogged, the Highway Department is aware of it, but has not been able to correct it so that the neighborhood is not protected. She asked that the Selectmen consider this issue in their consideration of the site plan. She commented on the severity of the traffic problems.

Chairman Donald asked Mr. Thompson to check with the appropriate Town officials regarding the problem with the storm drain.

Mrs. Charlotte MacLeod, 177 Plympton Road, stated her position that most of the arguments regarding traffic being presented here tonight are irrelevant when one considers the Wayside Inn, just down the road, handles tour busses and thousands of people every day. She further stated that every new resident

that moves into this Town adds to the traffic and every person here protesting that traffic is also part of it.

Mrs. Barbara Kostreva, 46 Evergreen Road, stated her opinion that commercial development is changing the character and rural nature of the Town and making it unsafe, and echoed comments of traffic problems on Route 20.

Mr. Edward Sokoloff, 3 Washington Drive, challenged statements made on behalf of the petitioner regarding traffic counts by the number of rooms and times of day. He felt the important factor is not how many changes have been made to the original site plan, or Mrs. Desjardin's background or Town involvement, but what is right for the safety and welfare of the people in Sudbury and especially in the immediate area.

Mrs. Geraldine Nogelo, 19 Washington Drive, referenced the police reports (approximately three citing two accidents each time - one fatality, one at the Want Ad, and one at Bullfinch's mentioned) and newspaper articles she has been forwarding to the Selectmen pertaining to accidents in the immediate area to make them aware of the seriousness of the problem.

Selectman Fox commented, in part, as follows:

- He questioned whether a motel of this size should be on the site even with the 26% reduction mentioned; his preference is that it be smaller, but thought it would be helpful if representatives of the neighborhood and Mrs. Desjarden could agree and provide the Board with some numbers.

- He expressed concern about traffic. One fatality and one other accident have occurred since the last hearing on January 23; he feels it is a very dangerous intersection; (Selectman Donald later commented that the fatal accident referenced was due to icy road conditions and not the area per se.)

- He complimented the petitioner, attorney, architects and engineers for a good presentation.

- He felt a motel of this size would have a serious effect on the esthetics of the surrounding area and would affect property values;

Selectman Frost commented, in part, as follows:

- A property owner has the right to use his property as zoned;

- The size of a proposed building depends on the owner's personal financial ability - what he can afford to build and what he needs in order to make a profit, which, he stated, is the right of any American in business;

- He did not feel the site plan could be turned down based on Route 20 traffic; there are many factors which contribute to traffic accidents;

- The applicant has met all site plan requirements; and

- He recommended approval of the site plan.

Selectman Fox felt this site plan could be turned down as it affects adjoining districts - "the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and land." (Chairman Donald pointed out that, hypothetically, a residential development of thirty-nine homes could produce seventy-eight cars.)

At the conclusion of discussion, it was on motion by Chairman Donald

VOTED: To approve and sign Site Plan 84-278 of Grace Desjardin, for property located at 758 Boston Post Road, as shown on a plan entitled, "Site Plan of Land in Sudbury, Mass.", dated February 15, 1984, and accompanying landscape plan dated June 4, 1983, revised February 15, 1984; exterior elevation plan, dated September 14, 1983, revised February 6, 1984; and architectural rendering, dated February 15, 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:

- an approved Order of Conditions under the Wetlands Protection Act by the Conservation Commission, as applicable;
- approval of the drainage system, including traps (and oil and grease traps), catch basins, and periodic maintenance as required by the Town Engineer;
- placement of all utilities underground;
- extension of Sudbury Water District lines to the site by the owner; no wells to be installed on the site;
- approval of signs or advertising devices as required under the sign bylaw;
- approval of final landscaping plan by the Planning Board;
- exterior lighting to be directed away from adjacent residences;
- submission of an "as built" site 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;
- as stipulated, and agreed to, in written reports, or otherwise, from the various Town department heads and agencies, as follows:
 - 1) report dated January 17, 1984, from the Board of Health; and
 - 2) a special permit hearing before the Board of Appeals;
- all of the above conditions must be met prior to the issuance of a building permit.

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

Site Plan 84-277 - Harris and Paul Sandler, Route 20 and Dudley Road

Present: Applicants Harris and Paul Sandler, Engineers Bruce Ey and Richard Skarinka of Schofield Bros.; Chairman Theodore Theodores, Lael M. Meixsell and former member Olga P. Reed, Planning Board; Building Inspector Joseph D. Scammon; and Fire Chief Michael Dunne.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan 84-277 of Harris and Paul Sandler, for property located at Lots 3 and A, Boston Post Road, 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 and noted receipt of the following communications:

- dated March 27, from Schofield Brothers, Inc., to the Town Engineer, enclosing the revised site plan incorporating the Town Engineer's and the Fire Chief's recommendations, noted in their respective reports of March 16 and 15.

- dated March 19, from the Building Inspector, recommending approval with landscaping improvements, commenting that lighting should not cause glare toward the residential district in the rear, that a State DPW street entrance permit should be applied for, concurring with the proposed method of drainage from the parking areas into nine leaching pits and proposed parking at the front and sides, rather than in the rear, because of the residential area there;

- dated March 26, from the Board of Health, conditioning approval on the following: additional observation holes are to be observed in the spring, Town water, Health approval of definitive plans for the subsurface disposal system, and occupancy to be limited to office and retail space only;

- dated March 26, from the Planning Board, recommending disapproval until resolution of the following: from a safety standpoint, the effect of increased vehicles ingressing/egressing on Route 20 and the impact on intersections at Dudley Road, Horse Pond Road and the Barnstead Shoppes; question on the number of entrances and exits; screening should be provided from the residential zone; and landscaping improvements;

- dated March 28, from the Town Engineer, noting that all recommendations of his March 16 report have been incorporated on the revised plan and recommending approval, subject to approval of the proposed septic system by the Board of Health;

Note: revised plan incorporates Town Engineer's recommendations, as follows: the elimination of separate entrance and exit and the relocation of a single service drive to maximize sight distance in both directions along Route 20; connection of all catch basins directly into the proposed leaching pits and the installation of traps and hoods on all catch basins; and the

retaining wall has been substituted by the use of a stone rip-rap for slope stabilization.

- dated March 14, from the Conservation Commission determining that the applicant need not file for a Wetlands Protection Act Hearing as no wetlands were found on the site;

- dated March 15, from the Fire Chief, offering the following comments: building must be fully sprinklered as it exceeds 7500 square feet; a fire hydrant be located on the property near the entrance and another within fifty feet of the sprinkler connection; the opinion that this is a dangerous location in terms of numerous automobile accidents, and this site plan represents a building that is too large for the property and will generate traffic that will add to an already dangerous situation;

Note: the letter from Schofield Brothers indicates compliance to the Fire Chief's above-noted requests relative to the sprinkler system and hydrants.

- dated March 16, from Dr. William J. Adelson, Sudbury Medical Center, stating no objection to the proposed site plan; and

- dated March 28, from the Sudbury Police Department, attaching accident statistics at the intersections of Boston Post Road and Dudley Road and at Boston Post Road and Horse Pond Road, for the years 1979 through 1983 and represents only those accidents investigated by the Department.

Engineer Richard C. Skarinka, Project Engineer, Schofield Brothers, Inc., showed a locus plan of the property, from a 1969 topographical study, which showed the surrounding house lots, not the homes which have been built.

Mr. Skarinka stated that the property is in a Business District, is approximately 70,000 square feet, abutting property to the rear which is zoned residential, and has frontage on Dudley Road and Boston Post Road. The proposal is to construct a retail (approximately 10,060 square feet) and office space (approximately 3,490 square feet), two-story building.

Architect John T. Brennan showed the architectural designs, which, he stated, provide the best location of the building on the site. Parking is on both sides and in front; office space is on the second floor. The building is actually $1\frac{1}{2}$ stories, not a full two-story building. He showed the major access onto Boston Post Road 200' from Dudley Road, and stated that drainage and parking comply to the Zoning Bylaw.

Mr. Skarinka explained the drainage, the fact that the large retaining wall originally proposed has been replaced, as noted above, and that a $1:1\frac{1}{2}$ slope has been provided without the retaining wall. He explained that the drainage is on site with the use of leaching pits.

Mr. Brennan stated that lighting and landscaping requirements will be met; that they have tried to maintain as many of the existing trees as possible; and that the fire hydrant is shown on the plan.

Responding to Selectman Frost on the question of density, Mr. Skarinka stated that impervious surface equals 66.7% and building coverage, 19.3%.

Mr. David Portney, 32 Adams Road, stated that his property is the most directly affected by the site plan proposal; his house is 30' from the property line. He expressed strong opposition to this construction; stated, on behalf of the neighborhood, that it would have a direct impact on the quality of their lives, and lower property values. Mr. Portney told the Selectmen that the developer only showed the plans to them for the first time this evening.

Mr. Portney stated that the building would be 30' from his kitchen window; that the parking lot would be seen from their windows within a very close distance, and that the building is huge - approximately 250' in length, which, he felt, could contain as many as eight or more retail stores and generate a lot of traffic.

Mr. Portney expressed his opinion that most people have been unaware of the extent of the development, thinking that only Astro Paint would be in the building, and concluded that this amount of development would have a direct impact on the enjoyment of their home.

Regarding a buffer zone, Mr. Portney indicated that with the layout of the land, and the size of the building - it being two-story as well - it would be impossible to screen it from the residences - even the 6' fence that is proposed will not help. Mr. Portney went on to say that he was concerned that from his property, they would be subjected to looking at the "typical" back entrance of a commercial piece of property. Photographs were submitted to the Board which demonstrated accumulation of junk behind the retail stores abutting this site, proximity of proposed building to abutting house owned by the Portneys, and felled trees on and at property from clearing (Astro's) land.

Mr. Portney went on to say that he is concerned about lights, the large dumpster to be located in the rear, lines of diesel trucks unloading supplies (boxes of paint, etc.), standing ground water as a result of runoff and the decrease in the amount of land to accept that runoff, car and truck doors slamming, alarms, depending on the types of businesses that go in there - refuse, and if food service is involved - insects, etc., hours of operation, and pedestrian cut-throughs.

On the issue of traffic, Mr. Portney stated there is a horrendous amount of traffic on Dudley and Horse Pond Roads, many traffic accidents have occurred in this area, and to add this kind of complex would be reasonable to expect more. Mr. Portney stated he worked hard to live in Sudbury, and would not expect that in this particular town the Town Fathers would allow this kind of thing next to his home.

Mr. Portney stated the Selectmen did not hear from him sooner because of his naivety to the problem and what his rights are, because he knows Mr. Sandler personally, and, acknowledging that they are late in communicating with the Board, they do not feel it makes the issue of less importance and asked that the Board recognize that. He stated that there are many more people in Town concerned about this site plan than those living on Adams and

Dudley Road and who use that stretch of road. He asked that the Selectmen take his objections into consideration when voting on this site plan.

Mr. David Owen, 78 Dudley Road, expressed his opposition based on the traffic accident records.

Mr. Sumner Fredman, 92 Dudley Road, expressed concern regarding the ripple of commercial trucks and questioned the maneuverability of delivery trucks on site and accessing onto Route 20 and the intersections of Horse Pond Road and Dudley Road. Mr. Brennan stated that the design and layout could handle large trucks.

Mr. Fredman also expressed concern regarding drainage on Dudley Road. He explained that drains on Adams Road cannot accommodate that drainage, which, consequently, drains into Dudley and he expressed concern that the situation would become worse with drainage from the southeasterly corner of this site. Mr. Skarinka stated that there is no standing water on the site; that the existing soil conditions are sand and gravel which accepts water, and explained that the grading and drainage in the parking area is adequate for this property.

Mr. Richard Vanderslice, 96 Dudley Road, indicated concurrence with Mr. Fredman's remarks by stating that since the homes have been built on Adams Road, there is a serious drainage problem on Dudley Road - he now has water in his basement.

Mr. Bryan Lewis, 20 Adams Road, expressed his concern regarding the drainage problem, and stated that trees have been cleared by the owner and that some of those trees have fallen on his property.

Responding to Mr. Leslie Bellows, 16 Juniper Road, Mr. Skarinka stated that the Town Engineer has looked at the detailed analysis and is satisfied with the drainage and is satisfied that there is adequate storm drainage and soil conditions on site.

The Sandlers submitted a 3-page report and jointly expressed their pleasure to show everyone what their plans include; stated they had discussed the plans with Mr. Portney and had offered to put trees up for him as a screening mechanism; that the abutters should not be concerned because they would take care of their property; commented on the revisions made in the interest of safety; indicated a low level of delivery trucks (1-2 a week); stated that they have been serving people in Sudbury for fifteen years and want to continue to offer their services in a slightly larger capacity; and pointed out that the Board of Health has placed a restriction to limit occupancy and that there are no provisions for a restaurant.

Selectman Fox expressed his opinion that the intersections of Route 20 with Horse Pond Road and Dudley Road have very heavy traffic, that it is difficult to make those turns, and that there is a history of accidents in the area. He said he was concerned about traffic safety and the size of the building, which, unfortunately, abuts a residential neighborhood. Selectman Fox stated he is cognizant of the Planning Board's unanimous vote to disapprove this site, as noted earlier, and the Fire Chief's strong concerns about the size of the building in relation to what he feels is a very

dangerous location. Selectman Fox moved to deny the site plan without prejudice to allow the applicant to come back with a smaller building.

Selectman Frost agreed with Mr. Fox and also stated that the Board has an obligation to respect the rights of an owner to develop his commercial piece of property in accordance with the Zoning Bylaw. From a safety standpoint, however, Selectman Frost felt the site plan could be denied without prejudice as Selectman Fox suggested, and stated that perhaps the abutters and applicant could work together and attempt to compromise on the size of the development and possibly alleviate some of the pressures from those who would like to stop the development entirely.

Chairman Donald agreed and following further comments, it was on motion by Selectman Fox unanimously

VOTED: To deny without prejudice, for the reasons stated above, Site Plan 84-277 of Harris and Paul Sandler, dated February 16, 1984, for property located at Lot 3 and Lot A, Boston Post Road, at the westerly side of Dudley Road.

Draft FY82 Audit Management Report

The Board was in receipt of a draft FY82 Audit Management Report, submitted by Laventhol & Horwath and dated March 6, 1984, with enclosed comments from the Town Accountant and attached comments from the Town Treasurer, dated March 20. Selectman Fox noted his personal comments on pages 9, 10, and 12.

It was on motion by Selectman Fox unanimously

VOTED: To direct the Executive Secretary to forward the draft copies of the FY82 Audit Management Report with the comments noted above to the firm of Laventhol & Horwath for finalization.

Fort Devens Sudbury Annex/Environmental Assessment & Dinner Invitation

It was on motion by Selectman Fox unanimously

VOTED: To acknowledge receipt of the final appendix to the Environmental Assessment of the Army Training at the Fort Devens Sudbury Annex, dated March 8 and received in the Selectmen's office March 19, under cover letter dated March 16, 1984, and to direct the Executive Secretary to forward copies of the same to the Selectmen's Sudbury Devens liaison group.

Mr. Thompson expressed his opinion that most of the major concerns have been addressed in this document, but that it still needs some follow up and study; Selectman Fox asked Mr. Thompson to do so.

The Selectmen directed the Executive Secretary to respond to the above-noted March 16th communication which included an invitation from the Department of the Army, to attend a Selectmen's dinner on April 11 at 6:00 p.m. at the Fort Devens Officers' club. The Selectmen are unable to attend because of Annual Town Meeting on that date.

Temporary License - Noyes School PTO

In accordance with a request dated March 12, 1984, and written approval from the Sudbury Community Arts Center, it was on motion by Selectman Fox unanimously

VOTED: To grant a Temporary License for the Sale of Wines and Malt Beverages Only, to be Drunk on the Premises, to Joan B. Karol, representing the Peter Noyes School Parent Teachers Organization, to be exercised on May 5, 1984, from 7:00-8:00 p.m., at the Sudbury Community Arts Center, Woodside Road, for that organization's Art Auction; and to waive the \$25 license fee.

Authorize Grave Markers

It was on motion by Selectman Fox unanimously

VOTED: To grant permission to Mrs. Norman E. Glueck and Thelma Ernst to place two markers for the graves of Josiah Richardson, Sr. and Jr., and their wives, in the Old Revolutionary War Cemetery, in accordance with their request dated January 9, 1984, and a follow-up communication dated February 26, 1984, and approvals from the Sudbury Historical Commission, dated March 6 and 21, the Historic Districts Commission, dated March 20, and the Highway Surveyor dated March 23, 1984.

Executive Secretary Richard E. Thompson assured the Selectmen that there would be no cost to the Town in the purchase, installation or maintenance of the gravestones. He said that perpetual care is provided for the entire cemetery and there would be no appreciable work or cost associated with the installation of these markers.

Transfer Requests

Following a brief discussion, it was on motion unanimously

VOTED: To take action on Transfer Requests as follows:

- To table Reserve Fund Transfer Request #26, dated March 20, in the amount of \$3,430 to Account 340-21, Building Department General Expense, for further explanation and consideration;

- To approve a line item Transfer Request #38, dated March 21, 1984, in the amount of \$300, from Account 340-18, Building Department Sealer of Weights and Measures, to Account 340-31, Building Department Vehicle Maintenance, as explained on the numbered transfer; and

- To approve Reserve Fund Transfer Request #39, dated March 26, in the amount of \$6,708.77, to Account 340-15, Building Custodial, as explained on the numbered transfer.

License Fees - Amend Vote 3/19

It was on motion by Selectman Fox unanimously

VOTED: To amend the Board's vote of March 19 to clarify the Selectmen's policy and procedures as it pertains to pro-rating licenses to apply to only - "alcoholic beverages" annual license fees, not "all" annual license fees.

Deferred Compensation - Town Employees

It was on motion by Selectman Fox unanimously

VOTED: To accept a communication from the Town Treasurer, dated March 7, relative to a deferred compensation program for Town employees and enclosing a draft contract, which had been reviewed and approved as to form by Town Counsel, and to acknowledge that the Town Treasurer can act on his own with regard to executing a deferred compensation agreement and does not require Board of Selectmen authorization to do so, according to Town Counsel - see letter dated February 29 from Town Counsel's office to Town Treasurer Chester Hamilton.

Temporary House Trailer

In accordance with a request dated March 20, 1984, it was on motion by Selectman Fox unanimously

VOTED: To confirm the Board's action of March 21, 1984, to grant a special permit for a house trailer to Jean T. and Robert E. Stone, Jr., at 15 Blacksmith Drive, for a period of six months, commencing immediately, while fire damage repairs are being made to their home, subject to the applicants' obtaining a building permit and subject to Board of Health approval as required.

Note: Board of Health was notified March 21.

Chapter 90 Project Request Design Funds/Sherman's Bridge

It was on motion by Selectman Fox unanimously

VOTED: To confirm the Board's action of March 21, 1984, to sign a Chapter 90 Request Form and accompanying Environmental Punch List for Design Services relative to Sherman's Bridge, as follows:

- M.A. #30821 - \$ 3,755.85
- M.A. #31233 - \$41,670.00
- M.A. #31647 - \$ 4,574.15

Minutes

It was on motion

VOTED: To approve the minutes of the Regular Session of March 19, as amended, and the Executive Session of that date, as drafted.

(Newly-elected Selectman Frost refrained from voting.)

V.S.H. Realty Trust

At a March 19 public hearing the Selectmen had conditioned a vote not to revoke the gasoline storage license and site plan of V.S.H. Realty, Inc., for property located at 470 Boston Post Road, provided that: 1) V.S.H. Realty, Inc., provides the Selectmen with a report in the next ten days from the company which installed the alarm system (Zecco, Inc.) assuring the Town that the system operates properly; and 2) V.S.H. Realty, Inc., provides the Town (Conservation Commission and Board of Health) with quarterly reports for at least a one-year period on the status of monitoring well observations, in accordance with Conservation Commission requirements.

Selectman Fox stated that the 10-day period ends tomorrow and directed the Executive Secretary to contact V.S.H. regarding the above-mentioned conditions and report back to the Board.

Local Newspaper Articles - ATM/Annual Town Election

Selectman Fox complimented newsreporter Jon Adolph relative to a March 22 article in The Town Crier on the 84ATM moratorium article; also, The Middlesex News reporter, Marcy Lynch, for publicizing the Annual Town Election. Ms. Lynch stated that she learned about the election inadvertently at a local meeting.

Selectman Fox suggested to the Executive Secretary that in the future he have signs posted on the community billboards one week to ten days prior to the Annual Town Election and expressed his personal opinion that the Selectmen should make one exception to their rule regarding signs on the Town Common - that being to allow signs there for the Annual Town Election.

Question - Conflict of Interest

With regard to recent issues being raised on the question of whether or not either Selectman Fox or Selectman Frost would be in violation of G.L.c.268A, the so-called conflict of interest statute, when dealing with issues pertaining to Town employees, i.e., payroll, benefits, etc., because of family members being Town employees, Selectman Fox referenced communications from Town Counsel, dated October 26, 1983, and February 29, 1984.

The latter points out that a Selectman can "absent himself from the discussion and voting and, in fact, should probably absent himself from the room where the budget involves payment of salary or other benefits to his sons (relative)", and there would be no conflict for a Selectman unless "he took direct action on items which affect the employment and salaries of his sons (relative). Mere employment by the Town of related persons does not constitute a conflict of interest".

Communication - MCSA

Selectman Donald mentioned a form request, received March 6, from the Middlesex County Selectmen's Association for a "pooling of ideas" to be returned for publication; there being no interest on the part of other members of the Board to comment, Selectman Donald held on to the form and indicated she would give it some thought.

Use of Town Common/Sign, L-S Spring Thing

The Board acknowledged receipt of a communication, dated March 19, 1984, from Mrs. James W. McCloskey, on behalf of the Music Department and Student Exchange Committee, Lincoln-Sudbury Regional High School, requesting permission for the placement of a sign on the Town Common for two weeks to advertise the annual Spring Thing Pops on May 12.

It was on motion by Selectman Fox unanimously

VOTED: To not allow the above-noted request on the basis of the Selectmen's policy not to allow any signs to be placed on the Town Common and to direct the Executive Secretary to so inform Mrs. McCloskey and to suggest she use the community signs and the triangular piece of land at the intersection of Concord and Lincoln Roads at the High School to publicize the event.

Communication - Gasoline Station Moratorium

The Selectmen acknowledged receipt of a March 21, 1984, communication from Dr. Richard L. Stevens (member of the local Board of Health) recommending a moratorium on construction of new gasoline stations and further expansion of existing gasoline stations.

The Selectmen directed the Executive Secretary to write a letter of appreciation to Dr. Stevens for his letter of concern and his service on the Board of Health, while at the same time, expressing the Board's strong position that, if a Planning Administrator position passes at the 84ATM, all of his concerns and other planning concerns, can be addressed professionally and more comprehensively.

Appreciation to Olga P. Reed, Planning Board

The Selectmen agreed with Selectman Donald's suggestion that former Planning Board member Olga P. Reed's dedicated service on the Planning Board and the Conservation Commission be acknowledged by the Selectmen, in a manner determined by the Executive Secretary.

Communication/Recommended Procedures, Hiring Police Chief

The Board acknowledged receipt of a March 26 communication from the Executive Secretary relative to recommended procedures for hiring a police chief if Sudbury goes non-Civil Service, and directed Mr. Thompson to schedule discussion of the same on a future agenda after Annual Town Meeting.

Bay Bank Ground Breaking

Executive Secretary Richard E. Thompson informed the Board of Bay Bank Middlesex's ground breaking ceremony, Tuesday, April 3, at 4:00 p.m..

Selectman Donald stated she would try to attend. Selectmen Fox and Frost stated they could not attend.

Insurance Specs/Bids

At the Board's March 19 meeting, it voted to engage the firm of Betterly Associates of Worcester to, not only evaluate all insurance bids received for Town insurance coverage, but to help develop specifications.

Executive Secretary Richard E. Thompson informed the Board that, in forwarding this information to the Town Accountant, the response back from Betterly Associates was that it would cost an additional \$1,000 - the cost to evaluate bids only was \$1,500. Also, Mr. Vanar had informed the Executive Secretary that sometime ago Betterly Associates had participated in the development of insurance specifications for the Town.

Accordingly, it was on motion by Selectman Fox unanimously

VOTED: To rescind the Board's vote of March 19, 1984, and in its stead it was unanimously

VOTED: To engage the firm of Betterly Associates of Worcester, at a maximum cost of \$1,500, to evaluate all insurance bids received, in order to give the Town a recommendation for contracting with a firm to provide insurance coverage, in accordance with a communication, dated March 15, 1984, from Town Accountant James Vanar.

Request for Executive Session/Charles W. Hall, Mill Village Realty Trust

The Board confirmed its telephone vote earlier today denying a meeting in Executive Session on March 28 to discuss litigation, as requested by letter dated March 28, from Charles W. Hall, Mill Village Realty Trust; and referred the same to Town Counsel for investigation. The Board was compelled to vote in this manner because of its heavy agenda schedule for this evening which the Board anticipated would result in its meeting going past midnight.

Wayland/Sudbury Septage Facility

The Board was in receipt of a March 27 communication from the Wayland Selectmen of their intention to have their counsel meet with Town Counsel Paul L. Kenny to discuss a strategy for the purpose of making a recommendation to the Wayland Selectmen relative to the Wayland/Sudbury Septage Facility.

Selectman Fox suggested, and the Board agreed, to hold any active involvement of Town Counsel until further discussion, except as requested in the above-noted letter, and directed Executive Secretary Richard E. Thompson to schedule an Executive Session meeting with the Wayland Board of Selectmen and Dr. William Cooper of the Operational Review Committee following Annual Town Meeting to discuss litigation regarding the Wayland/Sudbury Septage Facility.

Cable Television/Draft Provisional License

The Board noted receipt of a March 22 communication from William C. Henchy, Vice President, Adams-Russell Cable Services Division, enclosing a copy of a communication of the same date to Town Counsel Paul L. Kenny from

Atty. James C. Heigham, Choate, Hall & Stewart, enclosing a counter response to Town Counsel's recommendations on the provisions of the draft Sudbury provisional CATV license, dated March 21, 1984.

The Board directed the Executive Secretary to relay its concern to Town Counsel that he respond in a timely manner, and that the matter of the provisional license be scheduled for the Board's discussion as soon as possible.

128 WRC

The Board noted receipt of a March 19 communication from the Chairman of the 128 West Resource Recovery Council relative to Signal RESCO Proposal - Recommendations of Steering Committee.

84ATM Address by Selectman Chairman

Executive Secretary Richard E. Thompson distributed an opening address to be presented by Selectmen Chairman Donald at the 84ATM and asked for comment, if any, from the Board, prior to ATM.

There being no further business to come before the Board, the meeting was adjourned at 12:50 a.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk