

IN BOARD OF SELECTMEN
WEDNESDAY, APRIL 3, 1985

Present: Chairman Myron J. Fox, Josiah F. Frost and Anne W. Donald.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:00 p.m. in the Lincoln-Sudbury Regional High School library.

Inflammables Storage Hearing - Coatings Engineering Corporation

Present: Michael Guernsey, Chairman, Board of Health.

Chairman Myron J. Fox convened a public hearing on the application of Coatings Engineering Corporation, 33 Union Avenue, for extension of its license to store 2,000 gallons of inflammables aboveground, specifically, methyl ethyl ketone, methyl isobutyl ketone, toluene, and isobutanol, noting that the hearing had been advertised and abutters notified.

Chairman Fox stated the Board's intent to postpone the hearing since, in its opinion, the pressures of Town Meeting upon the meeting time of the Board would not allow thorough discussion of the subject matter.

In response to Chairman Fox's question, Board of Health Chairman Michael Guernsey stated that there would be no harm in such postponement from the perspective of the Board of Health.

Chairman Fox noted that if a favorable decision is made by the Board, the licensing can be made retroactive to April 3, the expiration of the present license.

Upon motion by Chairman Fox, it was unanimously

VOTED: To postpone consideration of the application of Coatings Engineering Corporation, dated March 18, 1985, to extend its license to store 2,000 gallons of inflammables aboveground, until 8:00 p.m. on April 29, 1985.

Earth Week Proclamation

It was on motion by Selectman Donald unanimously

VOTED: To proclaim the week of May 4 - May 11, 1985 as SUDBURY EARTH WEEK and to designate Saturday, May 4, 1985, for the Town's Annual Roadside Cleanup and Sunday, May 5, for neighborhood cleanup projects.

Landfill Monitor

Executive Secretary Richard E. Thompson brought to the Board's attention a request from Landfill Monitor Mark Hynes, dated April 1, 1985, for permission to carry a firearm for his own protection and with his own liability.

It was the consensus of the Board that its position had not changed since Mr. Hynes was appointed and informed at that time that he would not be permitted to carry a gun; therefore, it was on motion unanimously

VOTED: To not proceed with the request and to advise Mr. Hynes to notify the proper authorities if there is evidence that he needs Police protection.

Art. 23, ATM85, Sale of Town Land off Pratt's Mill Road

Present: Algonquin Council, Boy Scouts of America, representatives Paul Dacier, Robert Denlinger and Michael Guernsey; Planning Administrator Lee Newman; Planning Board Chairman Thomas Phelps and members Morton Brond, James Hannoosh, Lael Meixsell and John Drobinski; Water District Executive Secretary Winthrop Fairbank.

Executive Secretary Richard E. Thompson brought to the Board's attention a Resolution proposed by the Conservation Commission under date of April 2, 1985, which the Commission intends to introduce contingent on the passage of Art. 23 and 37 seeking Town Meeting's resolve that the monies derived from sale of these parcels be transferred to the Conservation Fund at the 1986 Annual Town Meeting.

Chairman Myron J. Fox stated, and the Board concurred, that the Selectmen have expressed support of this procedure, but with the caveat that its support is limited only to the placement of monies derived from these sales, if any; no other support for the Fund would necessarily be forthcoming. Mr. Thompson was directed to inform the Finance Committee and Conservation Commission of this position.

Chairman Fox requested the current position of the Planning Board on the proposed sale based on sale at fair market value.

Planning Board Chairman Thomas Phelps replied that the Board's originally stated "no" was not meant as an absolute. Mr. Phelps explained that, in the opinion of the Planning Board, the Town has a unique opportunity to participate in the planning process for development of this area and the Planning Board makes its support contingent upon doing so.

In response to a question from Mr. Meixsell of the Planning Board regarding access to the parcel, Mr. Guernsey responded that Mr. and Mrs. McLean expressed their willingness to explore the possibility of giving access through their property. Mr. Guernsey stated that, if such were the case, a compensatory area would have to be deeded to the McLeans to keep their parcel from becoming non-conforming in lot size since, in his opinion, the frontage requirement would still be met.

Responding to Chairman Fox relative to the Water District's interest in the 0.3 acre Council piece protruding into the southern boundary of the Water District land, Mr. Guernsey expressed the intent of the Algonquin Council to make this part of the negotiations with any developer interested in the Boy Scout land.

Mr. Paul Dacier of the Algonquin Council emphasized that the Planning Board already has control on the planning process under the subdivision control law.

Town Counsel Paul L. Kenny stated that by statute the Selectmen only are empowered to impose conditions of sale; therefore, the Planning Board can only provide its recommendations for Selectmen consideration.

Chairman Fox noted that the time for discussion of specifics of the development would be after the passage of the article, since the consummation of any sale would not take place immediately.

The Planning Board agreed with this procedure.

On the question of the minimum price set by the Selectmen for such sale, Chairman Fox stated that an opinion of value for the parcel has been received from Assistant Assessor Daniel Loughlin in the amount of \$3,000 based on actual land sales of excess acreage, but that the Selectmen had set a minimum price of \$30,000, with the intention to sell at fair market value after appraisal. Mr. Fox noted that consideration of this price did not take into account the sale of land to the Water District, and was merely set as a minimum.

Mr. Dacier recommended that the price be set at \$10,000, which would give the Council flexibility in its negotiations with all parties.

Mr. Guernsey reiterated the Council's position that the sale of its land for development is inevitable and the number of buildable lots will remain the same with or without the Town's parcel; approval of the sale of the land will provide the Scouts with a better negotiating position and enable sale of the total parcel at the best possible price, benefitting both the Town, by maximizing the value of its piece, and the Scouts.

Council Executive Director Robert Denlinger noted that even setting the minimum at \$20,000 would be prohibitive since at this point they do not know what the total package value may be.

At the close of discussion, it was on motion by Selectman Donald unanimously

VOTED: To set the minimum price at \$15,000.

Planning Board member Morton Brond, speaking as an individual, stated that he was opposed to this minimum and will consider proposing an amendment to increase the figure.

Art. 22, ATM85 - Sign Bylaw

Present: Sign Review Board Chairman Robert Verville and members Elizabeth Fitts and Thomas Patton; Board of Appeals Chairman MaryAnn K. Clark; Building Inspector Joseph Scammon; Planning Administrator Lee Newman; Planning Board

Chairman Thomas Phelps and members Morton Brond, James Hannoosh, Lael Meixsell and John Drobinski.

After citing the history of the proposed amendment to the Sign Bylaw under Article 22, Chairman Myron Fox stated that the purpose of this meeting was to determine whether or not to go forward with the article since there was now found to be no agreement on the proposed amendment among the four boards represented.

In response, the Sign Review Board Chairman, Robert Verville, stated that the Board endorses the present article.

Board of Appeals Chairman Clark stated that Board members had been polled and four out of five members were not please with the proposed language which, in may instances they found confusing, citing in particular the non-verbal devices definition. Ms. Clark went on to state that the position of the Board of Appeals is that it is immaterial which Board administers the bylaw, but the Board urges that further work be done before submission to Town Meeting.

Planning Board member Morton Brond recommended that the article be indefinitely postponed in order that a comprehensive review of the bylaw can take place or that the article be specifically referred to the Planning Board for update and review. Mr. Brond commented that the Planning Board is particularly concerned with the shift of responsibility from the Board of Appeals and would like the opportunity to discuss this matter with that Board, and that he would like to see members of the Chamber of Commerce included in any comprehensive review undertaken.

Selectmen Frost expressed his agreement with Mr. Brond.

After discussion it was agreed that the Selectmen would refer the matter to the Planning Board with the understanding that comprehensive review would be jointly undertaken by the Planning Board, Sign Review Board, Building Inspector, and the Board of Appeals, with input from the Chamber of Commerce.

There being no further business to come before the Board, the meeting was adjourned at 8:00 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary/Clerk