

IN BOARD OF SELECTMEN
MONDAY, MARCH 11, 1985

Present: 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.

Transient Vendor License - Marini/407 Boston Post Road

Present: Applicant Maria E. C. Marini.

Following discussion, it was on motion by Selectman Fox unanimously

VOTED: To authorize the issuance of a Transient Vendor License to Maria E. C. Marini, 68 Willis Road, Sudbury, for the purpose of selling fresh and dried flowers, wreaths, baskets, and balloons at 407 Boston Post Road, on Thursdays, Fridays, Saturdays, and Sundays from April 1985, to October 31, 1985, limited to the hours of 10:00 a.m. to 7:00 p.m., in accordance with her application dated February 28, 1985.

Note: written permission was granted by the property owner, Dallamora Realtors, under date of February 27, 1985.

Responding to the applicant regarding a sign, the Selectmen stated she must apply to the Building Inspector and receive the approval of the Sign Review Board.

Mrs. Marini stated her intention to apply for the required State license.

Review Hourly Rate/Town Counsel

On the question of reviewing Town Counsel's hourly rate for litigation services, as agreed at the Board's meeting of September 17, 1984, the Board reviewed a chart dated March 1, prepared by the Selectmen's office, showing surrounding communities' legal budgets - retainer, salary, hourly rate, etc.

After discussion it was on motion by Selectman Fox unanimously

VOTED: To increase Town Counsel's hourly fee for court preparation for litigation from fifty dollars to sixty dollars per hour.

Selectman Fox made a statement for the record that, from his experience in dealing with other counsels throughout the State, he felt that Sudbury was fortunate to have someone of Paul Kenny's caliber, and that, in comparison with other attorneys he has worked with, Mr. Kenny stands ahead.

Master Health Analysis

On the advice of the Executive Secretary, it was on motion by Chairman Donald unanimously

VOTED: To refer a Master Health Analysis prepared by Blue Cross/Blue Shield, dated January 8, 1985, to the Sudbury Employees' Group Insurance Advisory Committee for its review and report.

Transfer Requests

Following an explanation by the Executive Secretary, it was on motion unanimously

VOTED: To approve the following Transfer Requests:

a) #34, dated March 11, 1985, in the amount of \$300 to be transferred from 501-42, Selectmen Out-of-State Travel, to 501-41, Selectmen Travel; the amount requested represents increased cost of Selectmen's activities involved with the Middlesex County Selectmen's Association and the Massachusetts Municipal Association; and

b) #35, dated March 11, 1985, in the amount of \$8,645 from the Reserve Fund to Account 950-99, Telephone, for the reasons listed on the numbered transfer.

Engineering Personnel

Present: Town Engineer James V. Merloni.

On the recommendation of the Town Engineer, and as set forth in his communication of February 6, 1985, it was on motion by Selectman Frost unanimously

VOTED: To approve the following promotions and hiring of the Engineering Department personnel:

- William Slavin to the position of Civil Engineer, E5, step 3, at an annual salary of \$23,034;
- Seth Rafferty to the position of Engineering Aide II, E2, step 1, at an annual salary of \$14,592;
- New hire David T. Flaherty to the position of Jr. Civil Engineer, E4, step 1, at an annual salary of \$19,298.

Mr. Merloni commented that his department is currently operating down 1½ men since Proposition 2½, that he feels these salary increases are justified based on the education and experience of these men and will provide the needed incentive to add stability to his department (he stated that ten people have been replaced over the last four years in a department of seven). Mr. Merloni added that these positions will actually result in approximately a \$4860 decrease in the amount he originally requested in his FY86 budget.

Amend Traffic Rules and Orders

In accordance with a communication received from the Highway Surveyor, dated March 1, 1985, and verbal concurrence from Safety Officer William

Carroll on March 7, 1985, and from the Town Engineer earlier this evening, it was on motion by Selectman Fox unanimously

VOTED: To amend the Town of Sudbury Traffic Rules and Orders, adopted by the Board of Selectmen on September 12, 1941, and subsequent amendments thereto, by petitioning the State, in accordance with the provisions of Chapter 89, Section 9, of the General Laws, for the following stop sign locations:

- Northbound drivers on Goodman's Hill Road at Concord Road; and
- Northbound drivers on Peakham Road at Hudson Road.

The Board signed the necessary documents to be forwarded to the State.

The Town Engineer indicated his general support of 4-way stop signs and suggested that the Massachusetts Selectmen's Association try to support the same throughout the Commonwealth through the State Department of Public Works.

Minutes

It was on motion by Selectman Frost unanimously

VOTED: To approve the minutes of the Regular Session of March 4, 1985, as corrected, and the Executive Session of that date, as drafted.

Fire Chief Ambulance Article

Chairman Donald referenced the recent article written by Fire Chief Dunne and published in the Massachusetts EMS Alert publication and recommended that the Board submit a copy to the Middlesex News "Winners Column". Selectman Fox also gave copies to the press who were present. Selectman Frost stated that the article had also been printed in the March issue of the International Society of Fire Services Instructors.

Wetlands Article

Chairman Donald referenced an article in The Municipal Forum entitled, "Wetlands - Who's Responsible for What?" Chairman Donald suggested that the article be checked against our bylaws and if it agrees it should be shared with other boards.

Appointment/Police Matron

In accordance with a request from Police Chief Peter B. Lembo dated March 7, 1985, it was on motion by Selectman Fox unanimously

VOTED: To appoint Donna Conrado, 24 Kingsview Road, Marlboro, as a Police Matron for the Sudbury Police Department, for a term to expire April 30, 1985.

Accept Donation/Council on Aging

It was on motion by Selectman Fox unanimously

VOTED: To accept \$115 in miscellaneous donations on behalf of the Council on Aging to be used for van transportation.

Right-to-Know Legislation

Executive Secretary Richard E. Thompson updated the Board that the Town had received \$1,400 from the State as a result of implementing the right-to-know legislation.

Mr. Thompson went on to say that, after conversation with Selectman Frost, he recommended to the Hazardous Waste Co-ordinator Michael Sullivan that the Town proceed to do task 1 under said legislation if the consultant would perform the task with the amount of money received, where previously the consultant had submitted a higher cost. Since that time, Mr. Thompson stated he had been informed that the consultant had agreed to proceed with the first task for \$1400.

On question from Selectman Fox, Mr. Thompson stated that, if additional funds would be needed later to perform the full project, Mr. Sullivan would submit application to the State for reimbursement prior to commencing any further work.

Haskell Parking Lot

Executive Secretary Richard E. Thompson informed the Board that the Park and Recreation Commission was planning to proceed with awarding the bid for the asphalt paving of the parking area at Haskell Field with the \$45,000 appropriation remaining under Article 30 of the 84ATM; additional funds to complete the paving will be necessary from the appropriation under proposed Article 16 of the 85ATM.

On recommendation by Selectman Fox, it was on motion by him unanimously

VOTED: To direct the Executive Secretary to send a communication to the Park and Recreation Commission asking the Commissioners to reconsider expending funds by awarding the bid for the paving of the parking area at Haskell Field at this time - it being the opinion of the Board that it is not in the Town's best interest to begin a project for which there are insufficient funds to complete; the contract for said paving should not be awarded until the Town acts on the proposed \$50,000 appropriation under Article 16 of the 85ATM which will provide the necessary funds to complete the job. Additionally, the Board is opposed to a paved area of this size in a rustic area, which, the Board felt, would not resolve the parking and/or traffic-related problems which currently exist at Haskell.

Site Plan 83-268/A&M Realty Trust, 57 Codjer Lane

Present: Building Inspector Joseph E. Scammon; Developer Arthur Sellev and Architect Gary Moyer; approximately ten abutters.

In accordance with Art. IX, section V, paragraph A of the Sudbury Bylaws, the Board considered the Extension of Site Plan 83-268 of A & M Realty Trust,

for property located at 57 Codjer Lane, ID#2, for the removal of the existing building and the construction of two new office buildings - original site plan approved October 17, 1983; new plan shows minor revisions.

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 Town Engineer, the Fire Chief, the Health Director and the Building Inspector, dated February 22, February 25, February 26 and March 8, respectively, all recommending approval;

- from the Conservation Commission, dated March 8, indicating a valid amended Order of Conditions is on file for this site (#301-121, dated November 11, 1983, amended October 15, 1984) and requesting that the Building Inspector evaluate the discrepancies between the floodplain elevation and the contour on the Town floodplain maps compared to that shown on the site plan - if the Building Inspector determines the Town floodplain map to be correct then there is a head wall in the flood plain and a zoning variance would be required; and

- from the Planning Board dated March 7, 1985, recommending approval conditioned on the following:

1. submission of an outdoor lighting plan with certain stipulations set forth by the Planning Board to be approved by the Town;
2. that the site plan be amended to conform to the requirements of the Zoning Bylaw, Article IX,V,B with regard to landscaping; and
3. submission of a landscape plan, prepared by a Registered Landscape Architect, as prescribed by the Planning Board.

Responding to Selectman Fox no objection was voiced regarding his participation in this hearing based on his former involvement as an attorney for abutters on a previous site plan on this same property.

Architect Gary Moyer explained the proposal as follows:

- construction of two, two-story, wood frame buildings;
- approximately a total of 12,000 square feet of office space (6,000 square feet on second floor);
- landscaping plan, sheet L-2, dated March 11, 1985, revised to comply with landscaping requirements set forth by Planning Board;
- noted the following changes on the revised site plan: 1) inside staircase on the south side of the building, previously shown as an exterior staircase; 2) landscaping and 3) lighting revised and noted on plan in accordance with Planning Board requirements; and 3) grade brought down resulting in a reduction in the amount of fill needed in the wetland area and which meets the approval of the Conservation Commission.

Town Counsel responded to a concern by abutter Mairi Staples, 35 Codjer Lane, regarding street parking due to overflow, and questioning as to whether

this site plan application would be affected by the passage of proposed 85ATM, Article 24 - Off-Street Parking, which is an amendment to Article IX,V,B,1, requiring one parking space per 180 square feet of gross building space (the current bylaw requires one parking space per 180 square feet of first floor space and one space for each 900 square feet of all stories above the first story) that the site plan would have to comply to the amended bylaw since a building permit had not been issued prior to the advertising of the Planning Board's public hearing. Mr. Thompson commented that the applicant could apply to the Board of Appeals for a variance in the case that additional parking spaces would not be possible on the basis of a hardship.

Abutter Daniel W. Bortle, 53 Codjer Lane, expressed strong concern that one of the proposed buildings, which is to be thirty-seven feet high, will be only 65-70' away from his property line facing the bedroom windows. Showing a sketch of his property in relation to the subject site plan, Mr. Bortle referred to the situation on Codjer Lane as one of the worst conditions in Sudbury where industrial property abuts residential, adding his opinion that this particular site plan is the most acceptable to those submitted to date (previous proposals for this property did not go forward).

Mr. Bortle went on to say that the Selectmen should enforce the zoning bylaw of the Town which requires their consideration to the protection of adjoining districts on the basis of health, safety and convenience, etc., when addressing all site plan applications; he personally felt that the Town was not protecting the residents in this particular case. He suggested that in the near future more consideration should be given to the situation the Town is in (spot zoning).

Mr. Bortle also expressed very serious concern regarding the engineering done for this site with respect to drainage. He felt that when Town officials/-boards had given their approval for this site plan it was done without consideration of his property - it being his opinion that he would have water problems with his septic system and in his basement as a result of the proposed drainage system for this site plan.

Responding to Mr. Bortle who questioned whether the Town would be liable for future (water-related) problems to his property following Town officials/-boards approval of this site plan, Selectman Fox said that the Town would not be liable, that the situation would have to be resolved between him and the developer.

The architect felt that the retaining wall between their abutting properties, the rear-to-front slope of the subject property, and the catch basins and head wall at the far end of the said property, all would take care of the situation. However, responding to further concern expressed by Mr. Bortle, applicant Arthur Sellow stated his willingness to put drainage apparatus on Mr. Bortle's property if the Town Engineer now or in the future feels the current drainage system will create the type of problems Mr. Bortle suggests.

Responding to Selectman Fox, the Building Inspector stated that he had not seen the revised site plan. The Selectmen, therefore, did not sign the plan, pending review and approval by the Building Inspector.

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

VOTED: To approve revised Site Plan 83-268 of A & M Realty Trust for property located at 57 Codjer Lane, subject to the Building Inspector approving the minor revisions as shown on site plan entitled, "Site Plan/Exterior Elevations, Hop Brook Village, Corner of Codjer Lane & Union Ave., Sudbury, MA.", dated October 17, 1983, further 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) conditions set forth in the Conservation Commission letter of March 8;
- 2) an Order of Conditions under the Wetlands Protection Act by the Conservation Commission, if applicable;
- 3) approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer; also, subject to the Town Engineer's approval of the drainage scheme so that the water coming west down Codjer Lane passing 53 Codjer Lane does not drain onto said property at 53 Codjer Lane, and if the Town Engineer determines that there will be a problem in that case, he will work with the developers who shall redesign the drainage system so that that does not occur; the latter condition is pursuant to the developer's offer to the abutter to do the same at the developer's expense;
- 4) placement of all utilities underground;
- 5) extension of Sudbury Water District lines to the site by the owner; no wells to be installed on the site;
- 6) the grant of an earth removal permit, by the Earth Removal Board, if applicable;
- 7) 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 Chief; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, M.G.L.c 21E, as amended, and all regulations issued thereunder;
- 8) final approval by the Selectmen of an accurate architectural rendering of the proposed building or change, showing the front and side features as they will appear from the public way or private access;
- 9) approval of the final landscaping plan by the Planning Board;
- 10) conditions set forth in the Planning Board's report of March 7;
- 11) exterior lighting to be directed away from adjacent residences;

12) if applicable, the grant by the owner to the Town of a restrictive covenant to run with the land, governing, restricting or prohibiting the following which shall conform to requirements of the Board of Health, Town Engineer and/or Conservation Commission as appropriate:

- a) the disposal or removal of effluent and wastes generated on the site;
- b) the use of salt or chemical de-icers on the site;
- c) the installation by the owner of one or more monitor wells on the site including the Town's right of access for periodic testing and monitoring thereof, or another protective device as may be required by the Board of Selectmen;

13) 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;

14) no building permit or occupancy permit shall be issued until the conditions set forth in the Conservation Commission's letter of March 8 are complied with.

Note: Above vote amended at the Selectmen's March 18th meeting.

Master Plan Review

The Board acknowledged receipt of a report dated February 22, 1985, from the Planning Administrator summarizing Planning Board comments on the Route 20 Master Plan recommendations by Interchange consultants.

The following is a summary of the Selectmen's discussion on the Planning Board's comments on said recommendations:

Land Use Options

- #1 Selectman Fox disagreed with the Planning Board's support of the recommendation which provides for the limiting of future development to the existing Business, Limited Business, Industrial, and Limited Industrial Districts, because the Master Plan Update applies to Route 20 only, and another study/comprehensive plan would be required before making this statement. Selectman Fox agreed with the Planning Board on points 2, 3, and 4 in this paragraph - to not support the recommendation to encourage commercial development along the eastern portion of Route 20 and the rezoning of land from residential to commercial usage along the eastern portion of Route 20, and to support the Planning Board's position that there is sufficient commercially-zoned land and the development of Route 20 as a sub-regional service center should not be encouraged.

Selectman Frost was against a "blanket" statement supporting limiting future development, particularly the Planning Board's reference to

the eastern portion of Route 20. He felt it would be a reasonable request if, for example, a landowner wanted to rezone his property for business use when that particular piece of property is already surrounded by other business or commercially-zoned parcels. Selectman Frost was of the opinion that the Planning Board and the Planning Administrator needed more time to look at the entire Town in terms of making a recommendation on the overall future development.

Selectman Donald stated she would support rezoning requests from Goodman's Hill Road to the Wayland line since it is practically all commercial property anyway; she agreed with Selectman Fox's comments, and agreed with Selectman Frost's opinion that the Planning Board has not had sufficient time to do long-range planning.

- #2 The Planning Board does not support the recommendation to prohibit the rezoning of existing Business and Industrial Districts to less intensive/more restricted residential use; it felt these rezoning decisions should be done on a case-by-case basis.

Chairman Donald commented that the reference to case-by-case infers "spot" zoning to her, that this type of re-zoning should be only if the property owner requests it, that the Town should not force this type of zoning.

- #3 Regarding the Planning Board's support of the recommendation which provides for reducing the intensity of use in districts affected by aquifer protection, Selectman Donald stated that we need to find out where those areas are. She stated that the Selectmen know from the Water District's report that it would be beneficial if the State would use less salt on Route 20. Selectman Fox agreed with the Planning Board's concern for aquifer protection.

- #4 The Selectmen agreed with the Planning Board's position supporting the use of bike paths and sidewalks and interconnecting existing parking areas to improve circulation, reduce unnecessary traffic and improve the general condition along Route 20.

- #5 The Planning Board supports investigating the idea of conceptual master plans at the superbloc level and enlarging site planning from a single parcel to a block.

Selectman Frost stated he felt this was the job of the Planning Administrator and the Planning Board.

Selectman Fox felt that the "superblock" recommendation interferes with too many neighborhoods because of the "double loop" created, and that we should wait for the widening of Route 20 until we talk about superblocs.

Traffic Improvements

- #1-5 On the basis that the Planning Board feels the recommendations which provide for increasing roadway capacity along the Route 20 corridor

deserve further investigation, it is requesting a \$15,000 ATM appropriation for a consultant-prepared Town-wide computer traffic simulation model to provide a baseline for future traffic planning of key roads and intersections, and provide projections on future traffic growth and roadway system changes; the Town's follow-up to this would be to 1) develop a 15-year traffic management plan with provisions for periodic review, update and reforecast, 2) review projected changes in traffic patterns caused by local and regional development proposals, and 3) recommend short- and long-range strategies for traffic management in Sudbury and in response to traffic developments in surrounding towns.

Selectman Donald felt that the computer model would tell us that the colonial roads in Sudbury could not handle the 20th century traffic which now exists and suggested that interested citizens, through their contributions, could perhaps finance the traffic simulation model. Mr. Thompson suggested the alternative of financing it with traffic monies committed by Raytheon.

Selectman Frost felt it was premature to spend any more money on the Route 20 traffic problem 1) until there is a chance to analyze the situation after the widening takes place and the traffic lights are installed - he felt it was a general consensus that these improvements would not alleviate all of the problems, but that it will make the situation better; and 2) in terms of the Route 20 area and the rest of the Town (Route 117 and Route 27), both the regional MetroWest Planning and the Minuteman Planning Councils scope of work include, as a priority, the transportation corridor - it is either the first or second priority in both organizations, and will include peripheral roads.

Selectman Fox agreed with the recommendation to investigate increasing the roadway capacity along the Route 20 corridor but did not support the \$15,000 expenditure for a simulated computer model. It was his opinion that the Planning Administrator and the Town Engineer could gather information on, and draw some conclusions from, traffic studies which already exist, i.e., that available in conjunction with the Raytheon site plan and two or three others, and, as Selectman Frost stated, that which will be available through the regional planning councils. Selectman Fox did not support any expenditure of money before the traffic signalization installation on Route 20 at Union Avenue, which will be done shortly, and the Route 20 widening project gets underway, and the Town has had a chance to see the result of these improvements on Route 20. Selectman Fox added that there is money available to the Town from Raytheon Company earmarked for Route 20 traffic improvements. Selectman Fox agreed with the last three points of this paragraph.

Selectman Frost stated that, without knowing what is going to happen in Maynard (surrounding towns) the purpose of point #2 is defeated.

NOTE: It being 9:30 p.m., discussion of this subject was tabled in order to bring up an order of business scheduled at this time. At 10:35 p.m.,

following Executive Session, Chairman Donald reconvened discussion on this subject, which is as follows:

Regulatory Options

- #1 The Board agreed with the Planning Board's support of the recommendation which provides for a reordering of the permissible uses allowed in each district, etc. Selectman Fox commented that this is part of the Planning Administrator's job.
- #2 The Planning Board supports the concept of reducing use intensity in districts affected by aquifer protection and recharge and that further study is required before the Town can accept the intensity requirements proposed by Interchange. The Selectmen felt this should be further evaluated through the upcoming Water District's aquifer study approved at the last District Meeting.
- #3 The Planning Board supports the recommendation which provides for amending the site plan approval regulations to include a pre-application information meeting between the applicant and representatives of Town Officials/boards (which the Selectmen stated has been accomplished) and suggests that the 10-day review period be extended 60 days to ensure adequate time for meetings, review and comment. The Selectmen preferred that the 10-day review period be extended to 14-18 days, rather than 60 days since this was just an informal, preliminary meeting and boards were not making final judgments at this time.
- #4 Regarding the Planning Board's support of the recommendation which provides for amending the site plan approval regulations and procedures to include the seal and signature of a Registered Architect on each site plan submitted for approval, the Board recommended that, on larger projects, the seal and signature of a Registered Architect could be made a requirement, but that on most site plans, the Engineering seal and signature (which is already a requirement) is sufficient. Selectman Frost felt it was important to note that the Town also receives verification from the Town Engineer, the Board of Health, etc., on site plans; the Executive Secretary pointed out that requiring both seals would double the applicant's cost. The Board agreed that the Town Engineer should be consulted on this issue.

Aquifer Protection

- #1-6 With regard to the Planning Board's support of the recommendations which provide for a Townwide groundwater study, aquifer protection district bylaw, non-zoning wetlands bylaw, hazardous waste bylaw, water quality monitoring program and land acquisition plan and the three suggestions to accomplish the above, all in concert with the Water District; namely, 1) to define the most important areas for groundwater protection in Town, including its major aquifers and well recharge areas, 2) to develop a modeling procedure to determine if current and future land use would significantly affect groundwater

quality; and 3) to assess a range of possible zoning changes/new regulations/actions according to a set of evaluation criteria and develop recommendations, the Board agreed on the recommendations and that items #1 and #2 should be done by the Water District, and that #3 should be referred back to the Planning Board.

Community Action Options

- #1-3 The Selectman agreed that the Planning Board is already doing the job of instituting formal and informal procedures to improve the distribution of information at the community level, encouraging citizen participation and increasing public awareness on the methods of community planning and should continue to do so.

Administrative Options

- #1 The Planning Board supports the recommendation which provides for improving Town enforcement capabilities in monitoring the execution of development projects and maintenance of health standards.

In terms of improving the Town's enforcement capabilities, Chairman Donald agreed to the necessity but felt it was a question of the Town affording it; she stated her opinion that the Board of Health is doing a good job in its responsibility to maintain health standards.

Selectman Fox offered his opinion that we are not receiving the number of applications as in the past, the Building Inspector is no longer involved with taking care of Town buildings so he has more time, and that, at Mr. Scammon's last review, the Selectmen recommended to him that he concentrate on the enforcement aspect for which he now has more time.

- #2 The Planning Board supports the recommendation which provides for establishing regulatory and funding mechanism through State and Federal sources for public projects; and

- #3 The Planning Board supports the recommendation which provides for undertakizing a phased land acquisition program for new roadway construction, once appropriate parcels are identified; and

- #4 If the incentives encourage further commercial development, the Planning Board does not support the recommendation which provides for such a program. The Board does feel that the incentives can be considered for other purposes on a case-by-case basis.

The Selectmen questioned "what" and "how" the Planning Board agreed on items 2, 3, and 4, above; felt, on point #3, that the developer should do new road construction; and asked for further clarification from the Planning Board on all three points.

On point #4 Chairman Donald suggested incentives not to develop, i.e., taxes. Selectman Frost felt incentives for or against commercial development does not apply to Sudbury.

- #5 Regarding the Planning Board's support of the establishment of a Design Review Board, the Selectmen noted that a Design Review Procedure had already been established (not a Design Review Board), and an amendment to the same will be presented to 85ATM.

In conclusion, Selectman Fox asked for further explanation from Interchange on the Master Plan Update, as follows:

- page 3. no examples of hazardous waste bylaw and non-zoning wetlands bylaw; no explanation of where we should acquire our land.
- page 4. Administrative Options: no examples of 3.4.2, 3.4.3, 3.4.4, or 3.4.5 - Design Review Board, recommends private citizens and Town hired Planning Administrator.
- page 46. need further explanation of numbers 3, 4 and 6 from Interchange.
- page 48. Interchange seems to be inconsistent - "increase service" and "decrease ground water recharge".
- page 55 (bottom). reference to "buying development rights!" - not a good idea because the Town does not get enough for its money.
- page 68. Selectman Fox felt the recommendation by Interchange is a good one - "that the Planning Board and the Planning Administrator should reduce the number of community action options to a manageable few and do those comprehensively."

85ATM Articles/Positions

Executive Secretary Richard E. Thompson stated that the Selectmen had not taken positions on 85ATM Planning Board and zoning articles #24-30 and #38 pending input from the Planning Board's public hearings.

Planning Board positions on several Town Meeting articles were listed in a communication which the Selectmen received under date of March 6, 1985. Mr. Thompson also referenced information telephoned into the Selectmen's office from the Planning Board regarding its position on articles and, later in the evening, the Board made the following comments regarding the Planning Board's conditions of approval with regard to:

85ATM article #22A/B, Amend Sign Bylaw

- 1) that members of the Sign Review Board not be from the business community. The Selectmen felt this is an unnecessary provision and would not support the same inasmuch as we already have a State conflict of interest law.
- 2) that the Planning Board receive sign applications and be allowed to comment on them. The Selectmen felt that the Planning Board should review sign applications.

3) that there be a mechanism for removal of temporary signs - a fine for not doing so. The Selectmen felt this provision was unnecessary since the expiration of the permit would result in a fine anyway.

Additionally, Selectman Fox noted that, since this article proposes removal of the Sign Review Bylaw from the Zoning Bylaws, and places it under the Town bylaws, there would be no appeal process; it would have to go to superior court.

The Selectmen agreed that they would discuss this article with the Planning Board at the scheduled meeting with the Planning Board next Monday, March 18.

Article 26/Amend Bylaws, Art. IX, section 11,C - Create Business
District #17 (Route 20/Landham Road)

Present: Patricia Drobinski, 222 Boston Post Road; Susan Anderson, 113 Landham Road; Jessie C. Cunningham, 17 Singletary Lane; Russell Kirby, 244 Boston Post Road; and approximately 6 other residents.

Mrs. Patricia Drobinski spoke on behalf of a new organized group, Citizens Against the Urbanization of Sudbury's Environment. She submitted a petition which demonstrated that opposition to commercial development is a Town-wide issue/concern and asked that the Selectmen consider the same when taking a position on this article.

Mrs. Susan Anderson, 113 Landham Road, stated that the Group is willing to work with Mr. Mercury (owner of the subject property) on alternatives to developing the land commercially, i.e., residential housing/cluster zoning and/or elderly housing. She added that the abutters feel the re-zoning of this property would decrease their property values.

Selectman Donald stated she had problems with this article, first, because it is a difficult time for it to come before the Selectmen since there has been so much building going on in Town. She stated she would not like to live in a house on that particular piece of property and, at the same time, she could sympathize with the abutters concerns regarding another commercial development in the area.

Selectman Frost agreed with Selectman Donald and further commented that, from the Mobile Station (corner Landham Road/Route 20) to Pokonoket Kennels (corner Goodman's Hill road/Route 20), there are only six houses. He added his opinion that Mr. Mercury was entitled to request to use the property for his business interest, as a long-time property owner, adding that Mr. Mercury would only get half the amount of money selling residentially-zoned land as opposed to commercially-zoned land. Selectman Frost stated he would like to hear the Planning Board's reasons for opposing this article.

Chairman Donald felt it would be wise to wait and see what the total impact all the commercial properties under construction along Route 20 will be on the Town's traffic situation, indicating that she was not in any hurry to see this piece of land re-zoned.

Mrs. Drobinski stated that this Group is appealing to the Selectmen because they regard them as a significant representation of the people in this Town. The petition, she felt, would provide the Selectmen with enough information to make them realize that they would be supporting the majority of the Townspeople by opposing this article. Mrs. Drobinski questioned the motives of the people who live in Sudbury for a long time and then want to have their property re-zoned to increase the value of their property.

Mrs. Anderson stated her agreement with Selectman Frost that, just as Mr. Mercury has the right to come before the Town requesting that his residential land be rezoned to commercial, the abutters also have the right to appeal to the Town as they are doing. She felt it was wrong for a land owner to want to make a profit by asking the Town to re-zone his land without considering what is best for the Town or his neighbors. (She referred to her own property on Landham Road.)

Selectman Frost reiterated that Mr. Mercury is surrounded by retail properties, unlike her property, which is surrounded by other houses, and that he deserves the right to request the re-zoning.

Mrs. Anderson noted two properties on Route 20 in the immediate area - the Boston Edison property, although commercial, is undeveloped; the BP gasoline station, although residentially-zoned, is operating under a variance.

Mr. Russell Kirby, 244 Boston Post Road, expressed his opinion that, based on some of the conversation and comments made by the Selectmen this evening, the Selectmen should acquaint themselves with the zoning in detail from Concord Road, east, to the Wayland line; that before any judgment is made and any positions are taken by the Selectmen, they should understand what the present zoning is, what the present land use is, and how much change to the present zoning would affect neighborhoods and the flow of traffic on Route 20 (and the volume of traffic) - it was his opinion that there is a lot which can be done to interfere with the flow of traffic to relieve congestion. He expressed a further opinion that traffic lights will not relieve the congestion, although he felt it would help relieve the hazardous situation which exists as a result of the additional traffic on Route 20. Mr. Kirby stated that, as a twenty-year resident living on Route 20, he speaks with some authority regarding the traffic conditions and flow of traffic there. He stressed the importance of looking at the Town as a whole when it comes to rezoning individual pieces of land and stated that the Selectmen should take a careful position about rezoning a piece of property out of context and consider what impact this change will have on the Town. He referred to the "patchwork" type of zoning created by Town Meeting decisions on articles such as this, and felt the Selectmen should give better guidance to the town in these matters.

Mr. Kirby commented further that, as a result of people using alternate routes throughout the Town, there has been an increase in traffic flow and speed throughout residential areas - that Route 20 is not an isolated problem.

Responding to Selectman Fox, Mr. Kirby stated that the Selectmen should be reluctant to rezone any piece of land without a comprehensive plan, including "down-zoning" (commercial to residential).

Article 25/Amend Bylaws, Art. IX,IV,A - Intensity Regulations,
Lot Perimeter

Town Counsel Paul L. Kenny stated that he would speak to the Planning Administrator because he felt a slight revision to clarify the wording of this article is necessary.

Article 38/Amend Bylaws, Art. IX,V,B, Off-Street Parking

Present: Russell Kirby, 244 Boston Post Road.

Mr. Russell Kirby submitted this petition article. Responding to Selectman Fox, Mr. Kirby stated that the article and report were self-explanatory and he had nothing further to add.

Articles 29 and 30/Raymond Road and Nobscot Road Access

The Board approved Selectman Donald's report on the above-captioned articles, as amended by Selectman Fox, which is to be submitted to the local press.

Article 23/Sale of Land Off Pratt's Mill Road

Present: Conservation Coordinator Deborah Montemerlo and Gordon D. Henley, Conservation Commission Chairman.

The Board noted receipt of a communication dated February 22, 1985, from the Conservation Commission, indicating its support of the above-captioned article conditioned on the proceeds of the sale being used to purchase additional open space or reduce existing debt incurred by an open space or development right purchase. Also, the Commission requested that the Town sell this parcel at fair market value.

Additionally, the Selectmen were in receipt of an opinion from Town Counsel Paul L. Kenny, dated March 6, 1985, explaining that it is not possible to condition this article in this way since disposition of the proceeds of a sale are controlled by M.G.L.c.44,s.63. A separate article at a subsequent Town Meeting could appropriate funds (under this article) for such a purchase or to reduce existing debt. Selectman Fox stated he would support this procedure. Chairman Donald stated that the Commission should draft an article and forward it to the Selectmen's office to be placed in a holding file for future Town Meeting once the Commission decides this is the procedure it would desire.

Conservation Commission Chairman Gordon Henley asked whether money received from the proceeds of the sale of the Horse Pond School could be borrowed against for a land purchase; Town Counsel stated he would check the General Laws regarding borrowing for the conservation fund (i.e., section 8c). Mr. Henley indicated he would contact Town Counsel during the week.

Mr. Henley stated the Town should maximize its gain and sell the Pratt's Mill Road property at fair market value; raw land in Sudbury, he stated, is going for approximately \$80,000-100,000 per acre.

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

VOTED: To support Article 23, Sale of Land Off Pratt's Mill Road, subject to getting fair market value if it is slated to be sold as developable land, as opposed to a non-buildable lot.

The Selectmen questioned why the Planning Board did not support this article.

Executive Session

At 10:25 p.m. it was on motion by roll call

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

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

Chairman Donald stated that Open Session would reconvene following the Executive Session.

At 10:35 p.m. Chairman Donald reconvened public session. (See Master Plan Update.)

There being no further discussion to come before the Board, the meeting was adjourned at 11:00 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk