

IN BOARD OF SELECTMEN
MONDAY, AUGUST 25, 1986

Present: Chairman Josiah F. Frost, Anne W. Donald and David A. Wallace.

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

Gift from Mayor of Sudbury, England

Present: Scoutmaster David Manjarrez, Mrs. Linda Manjarrez, Scouts Fred Howell, Robby Kopf, Eli Manjarrez, Josh Manjarrez and Terry Thoman.

Scoutmaster David Manjarrez presented the Selectmen with an embroidered plaque bearing the coat of arms of Sudbury, England. This plaque was a gift to the Town from the Mayor of Sudbury, Suffolk, England and was given to Mr. Manjarrez and the Scouts of Boy Scout Troop 61 during their recent trip to Sudbury, Suffolk, England, by Mayor Inger Gilbert.

Police Medical and Psychological Exams

Following discussion, upon recommendation of the Police Chief, it was on motion unanimously

VOTED: To request that the Department of Personnel Administration grant authority to the Town of Sudbury to conduct its own medical examinations for Police service candidates in conformance with the Medical Guidelines for Public Safety Positions Within the Civil Service System; and it was further

VOTED: To request the Department of Personnel Administration to grant permission to the Town of Sudbury Appointing Authority to conduct its own psychological/psychiatric testing for Police service candidates according to a proposed plan prepared by the Police Chief dated 8/86.

Warrant Signing/STM Fall 1986

Following discussion it was on motion unanimously

VOTED: To sign the warrant for the September 25th Special Town Meeting.

Town Pool - Joint Meeting/Park & Recreation and Finance Committee

Present: Town Counsel Paul F. Kenny; Finance Committee members, Christopher Baum, Chairman, John Hepting, Carmine Gentile, David Wilson and Helen Casey; Park and Recreation Commission Chairman Peter Berkel; and, Incorporators of the Atkinson Pool Foundation Burton Mullen and John Taft.

Members of the Board of Selectmen, Park & Recreation Commission, Finance Committee and the Atkinson Pool Foundation discussed Article 22, Special Act - Town Pool and Article 23, Purchase Town Pool, as prepared by the Park and Recreation Commission and presented in the warrant for the September, 1986 Special Town Meeting; and, the November Election Ballot Question ... "Shall the Town of Sudbury be allowed to exempt from the provisions of Proposition Two

and One-half, so-called, the amounts required to pay for a bond issue necessary to purchase a swimming facility?"

Mr. Taft stated that in his opinion, the Town had sufficient funds to finance the purchase of the pool within its general operating funds. The Board of Selectmen and the Finance Committee expressed the opinion that the Town could be at a financial risk in the future if the Town voters were to vote the cost of the pool from available funds.

Chairman Frost said that in his opinion the pool would be a good thing for the Town of Sudbury, but he would not support the concept of the pool if funds for the purchase of the pool were to be taken from the general operating funds within the Proposition 2½ limit.

Selectman Wallace asked if it would be detrimental to have a vote for the Special Act and the bonding at the same meeting and inquired what the required vote would be for each.

Town Counsel advised that at the STM the voters could vote to borrow the money with a 2/3 vote, or the voters could vote to appropriate the money from another source, without borrowing, with a majority vote; the Special Act requires a majority vote. If the money were taken out of the budget (raised by taxation) then the Town would have more funds appropriated than is allowed under Proposition 2½ (without an override).

MetroWest Growth Management Committee

Present: MetroWest Coordinator Virginia Welles; Weston's Chairman of the Board of Selectmen Jean Thurston; members of the Planning Board; Board of Health; Finance Committee; Long Range Capital Expenditures Committee; Park and Recreation Committee; Superintendent of Schools; Building Inspector; Police Chief; and Fire Chief.

Ms. Thurston explained the function of the MetroWest Growth Management Committee (MWGMC) and discussed the Proposed Regional Impacts Review (RIR) Process.

The process is outlined as follows:

- 1) Towns notify MetroWest at the conceptual stage in a development.
- 2) Developers submit plans to MetroWest as part of the Town required submission.
- 3) The Technical Advisory Committee screens the submission for regional impacts.
- 4) The Committee sends a letter to the developer and the Town confirming or exempting MetroWest review.
- 5) The MWGMC Review Committee reviews the project and makes recommendations.
- 6) The developer may be requested to make a presentation.
- 7) Representatives of MetroWest may consult with interested parties to mediate conflicting interests.
- 8) The MWGMC reviews and approves recommendations.
- 9) The MWGMC sends its recommendations to the local decision-making board and to the developer.

- 10) Towns recognize MetroWest recommendations and attempt to accommodate them in their decision.

The Selectmen agreed to endorse the Regional Impacts Review Process, dated June 2, 1986, as drafted, and will forward a letter of support to MetroWest which will include all voted endorsements of pertinent Town boards as a joint communication.

After general discussion, Chairman Frost thanked all those in attendance for coming and expressed his desire to support the efforts of MetroWest, but added that we must also not forget to support the efforts of MAGIC, a group similar to MetroWest including the towns of Acton, Bolton, Boxborough, Carlisle, Concord, Lincoln, Littleton, Maynard, Stow, Sudbury, Harvard, Hudson and Marlboro.

Appointment/Veterans Advisory Committee

Present: Guy L. Dietrich, 21 Russet Lane.

The Board interviewed candidate Guy L. Dietrich of 21 Russet Lane, for appointment to the Veterans Advisory Committee. Other applicants for the appointment were Arthur C. Morgello of 23 Mill Pond Road (withdrawn), Elizabeth M. Foley of 807 Boston Post Road (not present), Ronald J. Griffin of 7 Poplar Street (not present), and Vincent P. Surwilo of 220 Old Lancaster Road (not present).

On recommendation of the Veterans Advisory Committee, and the Veterans Agent, it was on motion unanimously

VOTED: To appoint Guy L. Dietrich to the Veterans Advisory Committee for a term to expire April 30, 1987, to fill the position formerly held by William Burns.

Subsequently, it was discovered that applicants Vincent Surwilo and Elizabeth Foley were out in the hallway waiting to be called into the meeting. Executive Secretary Richard E. Thompson expressed regret and asked the two applicants to telephone the office regarding other vacancies in town government.

Committee/Sudbury's 350th Anniversary Celebration in 1989

Present: Jeannette Fullerton, 15 Pilgrims Path; Jan Soron, 524 Concord Road; Priscilla Linden, 6 Uplook Drive; Beverly Bentley, 62 Concord Road; Corinne Nichols, 371 Maynard Road; and H. Burton Mullen, 101 Raymond Road. Applicant Lois Toepfner, 58 Meadowbrook Circle was not present, but advised that she was interested in serving on the Committee.

Following discussion it was on motion unanimously

VOTED: To appoint Lois Toepfner, 58 Meadowbrook Circle; Jeannette Fullerton, 15 Pilgrims Path; Jan Soron, 524 Concord Road; Priscilla Linden, 6 Uplook Drive; Beverly Bentley, 62 Concord Road; Corinne Nichols, 371 Maynard Road; G. Burton Mullen, 101 Raymond Road and Selectman Anne W. Donald Ex-officio

member, to serve on a committee to organize Sudbury's 350th anniversary celebration in 1989, to be named Sudbury 350th Anniversary Celebration Committee, and that Selectman Anne Donald be temporary Chairman.

Selectman Donald suggested that to obtain additional representation, this committee ask other groups such as the Minute Militia and the Historical Society, if they care to recommend a person for membership.

Appointment/Archeological Advisory Committee
(Haynes Garrison Site)

Present: Priscilla Linden, 6 Uplook Drive.

Following discussion it was on motion unanimously

VOTED: To appoint Priscilla Linden to the Archeological Advisory Committee for a term to expire April 30, 1987, to fill the position formerly held by Forrest Bradshaw.

Reserve Fund Transfer

It was on motion unanimously

VOTED: To approve Request No. 87-13, dated August 21, 1986, approved by the Building Department on August 22, 1986, for a Transfer from the Reserve Fund to Account 340-51, Equipment, in the amount of \$679.15 to pay for the purchase of an electronic typewriter.

Browning-Ferris Industries, Inc.
Operation of Sudbury Sanitary Landfill

Following discussion it was on motion unanimously

VOTED: To acknowledge receipt of a communication, dated August 4, 1986, from Browning-Ferris Industries, Inc., 100 Hallet Street, Boston, Massachusetts, regarding operation of the Sudbury Sanitary Landfill facility.

Executive Secretary Richard Thompson suggested that this communication be forwarded to the Resource Recovery Task Force when it is formed.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of August 11, 1986 and the special session of August 18, 1986 as drafted.

Sperry Property

Present: Planning Board Chairman John Drobinski, and members Morton Brond, Michael Meixsell, Russell Kirby, Thomas Phelps; Planning Administrator Lee Newman; and, arriving approximately one-half hour after the meeting started: Conservation Commission members Adam Ames, Frances Clark, J. S. Yeo, Stephen Sandler and Robert Lancaster; and Conservation Coordinator Deborah Montemerlo.

Executive Secretary Richard Thompson reported that he, Planning Administrator Lee Newman, Planning Board General Agent James Merloni, and Board of Health Director Michael Sullivan had met upon request with representatives of the Arthur D. Little Company regarding its interest in purchasing the Sperry property and learned that A. D. Little is considering a research and development facility for the site, which consists of 146 acres, (40 acres of this are in Concord). Mr. Thompson stated that the office has received correspondence, one letter requesting that the Selectmen not support A. D. Little, and one letter asking, if there is anything to be done with A. D. Little, that there be a public forum before any action takes place.

Mr. Drobinski stated that the Town may be interested in zoning this large tract of land for low-income housing, or clustered units.

Selectman Donald asked what the status of this land would be regarding any grandfathering clauses. The Executive Secretary stated that if rezoned the use that exists would be grandfathered.

Mr. Thompson also stated that one of the Town's issues is the desire to possess land adjacent to the pond, allowing access to the pond by Sudbury residents. Selectman Wallace asked if the Town has considered buying the entire parcel, or a portion of it. Ms. Newman stated that in her opinion the cost would be prohibitive to buy the entire parcel and Chairman Frost said that Sperry Rand has indicated in the past that they will only sell the land in its entirety.

Mr. Brond suggested that the Town try to obtain funding to perform a study to determine what would be the best use for the land. Mr. Thompson suggested that if the subject were brought to town meeting, "down-zoning" might be desirable for this particular district; but, in his opinion, it would not be in the best interest of the Town to abolish the current zoning of that entire area. Mr. Thompson further stated that to continue discussing low-income housing or cluster development as possible alternate uses of the property, is short-sighted and foolish, because of the prohibitive cost of the land. He said the real problem associated with the use of the land is traffic. Also, to compare the area with Route 20 is emotional and false. The aesthetic difference between Route 117 and Route 20 is like night and day.

Ms. Montemerlo reported that she had met with representatives of the Town of Concord who said that they would prefer a research and development facility on the site over the development of single-family, residential homes. She also noted that A. D. Little Company owns 100 acres of land in Concord.

Mr. Brond suggested that the Planning Administrator Lee Newman and the Conservation Coordinator Deborah Montemerlo prepare a preliminary scope of work for a paid consultant to evaluate the best use of the land, under its present zoning, specifically looking at the idea of "down-zoning" as it relates to current projected traffic problems at Route 117. After the scope of work is completed the Selectmen and Planning Board could jointly request the Finance Committee to fund the same through a transfer. All present concurred, and further agreed, subject to the outcome of the study, to present an article addressing the same at the 1987 Annual Town Meeting.

Site Plan Special Permit Application 85-293-2
Paris Realty Trust (for Chiswick Trading Company)
490 Boston Post Road

Present: Board of Health Chairman Michael W. Guernsey; Building Inspector Joseph E. Scammon; Andrew Magee, Rizzo Associates; Theodore Pasquarello and Frank Vana, Chiswick Trading Company; Route 20 Task Force members Katherine Abrams and Judith Cope.

The Selectmen reviewed a draft decision relative to Site Plan Special Permit Application 85-293-2 of Paris Realty Trust, prepared by Town Counsel pursuant to the Board's vote of August 11, 1986.

Board of Health Chairman Michael Guernsey asked the Selectmen to clarify items #19 and #17 of the Draft of the Chiswick Notice of Decision. His concern was whether or not there was a conflict between the Planning Board's recommendations and any Board of Health decision. The Board stated that the Board of Health would be the determining Board in deciding if the applicant is in compliance with the stipulations of the Special Permit.

Another item of concern by Selectman Donald was the Board of Health's stating that soil samples should be collected at depths of three feet as communicated in their letter of May 30, 1986 from Michael J. Sullivan to Chiswick Associates. Upon recommendation by Selectman Donald, condition #19 was amended to include reference to the May 30th letter.

Following discussion and further minor amendments, it was on motion unanimously

VOTED: To approve the Site Plan Special Permit decision relative to Application #85-293-2 of Paris Realty Trust (for Chiswick Trading Co.), for property located at 490 Boston Post Road, to read as follows:

NOTICE OF DECISION
SUDBURY BOARD OF SELECTMEN

On Monday, August 11, 1986, the Board of Selectmen, sitting as the Special Permit granting authority pursuant to Article IX, V, A of the Town of Sudbury Bylaws, held a public hearing to consider the APPLICATION OF Paris Realty Trust (for Chiswick Trading Company) for the construction of a one-story, 125,750 sq. ft. building for light industry, research and development use on property located at 490 Boston Post Road, Map K07, Parcels 1, 2A, 2AB, 2I, 2CA, and 2, Limited Industrial District #1.

Notice of the Public Hearing was duly posted, and advertised in the Sudbury Town Crier on July 17 and July 24, 1986. Parties of interest, being abutters within 300 feet according to the Assessors, and abutting towns were provided written notice by first-class mail.

The proposal is to construct a 125,750 square foot building which will be used to handle the expansion of several of the five companies currently operating in the Chiswick Park facility. The companies are involved in light assembly and distribution, research and development - and recreational activities as allowed in "Limited Industrial" zones as defined in the Sudbury zoning bylaws.

The present application is a resubmission of the site plan which was approved by the Board of Selectmen on February 10, 1986. The resubmission was required because the Town's Zoning Bylaw had been amended prior to issuance of a permit for construction of the building. The Zoning Bylaw change imposed additional requirements on the applicant. The prior site plan and decision are incorporated herein by reference.

There are three changes to the prior plan. The changes noted are as follows:

- 1) The height of the building has been reduced from 20 feet to 16 feet.
- 2) The building size has been reduced from approximately 129,000 square feet to 125,750 square feet.
- 3) The square footage of wetland being incurred upon has been reduced from 4800 square feet to 4300 square feet.

The applicant has agreed that the curb cut onto the Boston Post Road shall not constitute an approved part of this site plan; rather, no final determination shall be made on the access and egress onto the Boston Post Road until the Rt. 20 Task Force has concluded its study and report to the Selectmen. Additionally, the applicant has pledged cooperation in any serious attempt to gain access to Union Avenue through the industrial area that has the backing of all responsible boards and agencies and engineering design to assure safe passage which does not exist at this time. Chiswick will grant a walkway easement along the nearly 1000 feet of Route 20 frontage.

The location of the proposed project is a 26-acre parcel located at 490 Boston Post Road, bordered on the west by the Raytheon Company, north by Chiswick Park, south by Star Market shopping complex and the B. P. Sousa garage, and on the east by the Colonial Spirits package store.

Chiswick's current location is the former site of the Sudbury Skating & Tennis Club. Chiswick is a national catalogue, phone order, wholesale packaging and office equipment distributor.

The original site was prepared for two ice hockey rinks and subsequently required the construction of the largest single leaching field in Sudbury with a capacity of over 7800 g.p.d. There will be no new system required for the proposed expansion.

The 125,750 square foot expansion will have 10% of the space allotted to an office support system and will include 141 parking spaces, with a total building coverage of 18.2% of the 26-acre site and a total impervious coverage of 40.1% of the site. This will leave 60% open space.

Although not a contributor of contaminants to the site, Chiswick is obliged to address the issue and has conducted a series of tests under the direction of the Department of Environmental Quality Engineers, Board of Health, Environmental Protection Agency and the Army Corps of Engineers. Under their auspices Chiswick will work to monitor and remedy the situation before, during and after construction. Mr. Pasquarella has committed himself both personally and financially and the result will be a clean-up long before public funding becomes available.

Additional communications have been received on this subject since the last approval on February 10, 1986, and are incorporated herein by reference, as follows:

- from Chiswick Park's Project Coordinator Frank M. Vana dated July 31; from the Building Inspector dated August 8; from the Town Engineer dated July 30; from the Planning Board dated August 1; from the Conservation Commission dated August 7; from the Fire Chief dated August 1 and August 8; from the Board of Health dated August 7; from the Design Review Board dated August 6; from the Route 20 Task Force dated August 7; and the "Hydrogeologic and Soils Investigation and Assessment, Coatings Engineering Corporation, Sudbury, Massachusetts" dated July 1986, prepared by E.C. Jordan Company, Portland, Maine.

Although not necessary to this decision, the Board noted correspondence related to various zoning issues related to the site from the Board of Appeals addressed by Town Counsel, and from John Drobinski addressed by the Building Inspector.

Based upon a determination that the foregoing evidence, together with the plan submitted, conformed to the intent and purpose of the Zoning Bylaw requirements, a motion was made by Selectman Frost and unanimously approved as follows:

VOTED: To approve Site Plan 85-293-2 of Chiswick Trading, Inc., for property located at 490 Boston Post Road, owned by Paris Realty Trust, as shown on a plan entitled, "Topographical Site Plan of Land in Sudbury, Mass. prepared for Paris Trust, 33 Union Ave., Sudbury, MA. 01776", dated August 26, 1985, revised October 8, 1985, 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) the Order of Conditions under the Wetlands Protection Act issued by the Conservation Commission October 4, 1985;
- 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 for drinking water purposes to be installed on the site;
- 5) the grant of an earth removal permit by the Earth Removal Board, if applicable;
- 6) approval of signs or advertising devices as required under the sign bylaw;
- 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, G.L. c.21E, as amended, and all regulations issued thereunder;

- 8) approval of the final landscaping plan by the Board of Selectmen;
- 9) exterior lighting to be directed away from adjacent residences and have shields;
- 10) if required by the Town, 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, and any other protective device as may be required by the Board of Selectmen;
- 11) 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 prior approval of the site plan, will require approval of the Board of Selectmen;
- 12) performance of such studies deemed necessary by the Sudbury Board of Health and the State DEQE and conformity with all Board of Health and DEQE regulations and requirements, said studies to include, but not be limited to: a soil sampling plan to include the foundation area; on-site storage of any contaminated soil; an assessment of alternatives; preventative measures (venting system under the building) to assure that employees are not exposed to any contaminated fumes; any contaminated water to be treated (cleaned) before it is allowed to be discharged from the premises; establishment and notification of water gradient on existing site; and a determination whether or not the locus is a recharge area for a Water District well or well field, the results of said studies must be accepted by the local Board of Health and the State DEQE;
- 13) sixty per cent of the site will be maintained in its natural state;
- 14) the office and warehouse development will be commenced after placing the following restrictions on the property:
 - A. no waste disposal other than ordinary domestic waste
 - B. no outdoor or underground storage of toxic or hazardous materials
 - C. no normal operating use or maintenance involving application, transfer, storage, or use of hazardous materials
 - D. no commercial or industrial uses or applications of toxic or hazardous materials as accessory to a non-related practice
 - E. commercial development limited to warehouse and office use
 - F. industrial development limited to storage of non-toxic, non-hazardous materials;
- 15) the office and warehouse development will not be commenced until the parcel is combined with the existing parcel being the former Skating & Tennis Club and a perpetual restriction is placed on the property prohibiting the

division of the total property so combined into two or more lots so that it must always remain as one lot of approximately 27 acres more or less;

16) compliance with the recommendations contained in the written reports of the Town Engineer, dated October 10, 1985 and July 30, 1986; the Conservation Commission, dated October 1, 1985 and August 7, 1986; the Fire Chief, dated October 11, 1985 and August 8, 1986; and the Board of Health, dated October 11, 1985 and August 7, 1986; and the Design Review Board recommendations dated August 6, 1986.

17) no building permit shall be issued until items 1, 2, 8, 12, 14, 15, 16, and 19, as specified by the Board, are complied with.

18) no occupancy permit shall be issued until above-noted items 3, 4, 5, 6, 9, 10, and 11, as specified by the Board, are complied with.

19) a complete and thorough hydrogeological study, health and safety program, and contaminate fate program must be completed prior to the issuance of a building permit. This program shall include the items recommended by the Planning Board in its letter of August 1, 1986 at paragraph 1.1, and ordered and authorized by the Board of Health and the Department of Environmental Quality Engineering (DEQE) as those items are clarified and described in letter of Board of Health, dated May 30, 1986, and letter of Rizzo Associates, Inc., dated August 21, 1986, and incorporated herein by reference, this letter having been reviewed by the Board of Health and DEQE as accurately describing the tests and functions necessary to comply with the requirements of the Planning Board set forth in its letter of August 1, 1986.

20) this Special Permit shall lapse if construction and a substantial use thereof have not commenced except for good cause within one year from the effective date of said Permit.

The Board signed the plans.

This decision shall be filed with the Town Clerk and any appeal therefrom must be made to the Superior Court within twenty (20) days from the date of filing with the Town Clerk in accordance with the provisions of M.G.L. c.40A, §17.

Special Meeting/LSRHS

It was on motion unanimously

VOTED: To schedule a special meeting at 7:00 p.m. on September 25, 1986 at the Lincoln Sudbury Regional High School Library prior to Special Town Meeting.

Executive Session

At 10:30 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session for the purpose of discussing Collective Bargaining. (Chairman Frost, aye; Selectman Donald, aye; Selectman Wallace, aye.)

The Chairman announced that Public Session would not reconvene following the Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 10:45 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary