

IN BOARD OF SELECTMEN
MONDAY, DECEMBER 8, 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.

Appointment/Sudbury Historical Commission

Present: Lillian White Balch, 148 Fairbank Road.

Following a brief interview with Mrs. Balch, on recommendation of the Sudbury Historical Commission, it was on motion unanimously

VOTED: To appoint Lillian White Balch, 148 Fairbank Road, to fill the vacancy on the Sudbury Historical Commission occasioned by the resignation of John C. Powers, for a term to expire April 30, 1987.

Note Renewals - Union Avenue & Concord Road, and Powers Land

It was on motion unanimously

VOTED: To confirm signing a note on December 3, 1986, for renewal of a reimbursement anticipation loan relative to Sherman's Bridge design work under Article 11, 1984 Annual Town Meeting, in the amount of \$28,100.

Transfer Request/Police Salaries

It was on motion unanimously

VOTED: To approve transfer request 87-34, dated December 2, 1986, for transfer of \$7,500 from Line Item 320-120, Overtime Account, to Line Item 320-110, Salary Account, to pay the salaries of two Civilian Dispatchers in the Police Department.

Goodnow Library Trustees, Request

Following receipt of communications dated November 26, 1986 from the Goodnow Library Trustees, Director Wilma J. Lepore, and Town Treasurer Chester Hamilton dated December 8, 1986, it was on motion unanimously

VOTED: To approve a request, as Co-trustees of Town Donations, under the provision of Chapter 180 of the Acts of 1911, from the Goodnow Library Trustees, dated November 26, 1986, approved by Town Treasurer December 8, 1986, to use \$2,000 from the Goodnow Library Trust Funds Income Account for purchase of historical materials and for bindery and conservation of library materials.

Goodnow Library Trustees/Vacancy

The Board acknowledged receipt of communication dated December 5, 1986 from the Goodnow Library Trustees, Chairman George D. Max, advising of a vacancy on its Board occasioned by the resignation of Robert E. Mitchell, Jr., dated December 2, 1986.

Executive Secretary Richard E. Thompson will arrange a meeting of the two Boards at a mutually agreeable time to fill the vacancy.

Accept Award/State Council on Aging Formula Grant Program

It was on motion unanimously

VOTED: To accept, on behalf of the Town and the Council on Aging, an award of \$2,224 under the State Council on Aging Formula Grant Program for FY1987, as set forth in a communication, dated October 3, 1986, from the Executive Office Elder Affairs.

Minutes

It was on motion unanimously

VOTED: To approve the transcript of the Town Forum of November 24, 1986, and minutes of the regular session and two executive sessions of December 1, 1986.

Cancel Town Forum/December

It was agreed to cancel the Town Forum for the month of December.

Fire Department Request/State Auditor's Office/Tank Testing

The Board acknowledged receipt of a copy of communication dated December 5, 1986 from Fire Chief Michael Dunne to the State Auditor's Office requesting a determination on whether 527 CMR 9.18(2) qualified as a mandate and thus the expense of performing same is reimbursed in accordance with Proposition 2½. The Town of Sudbury has five tanks that would be required to be tested.

Lincoln-Sudbury Regional High School Committee

Following receipt of communication dated November 24, 1986 from the Lincoln-Sudbury Regional High School Committee, Chairman Raymond P. Clark, requesting a meeting with the Board of Selectmen regarding L-S West and Fairbank School, the Board requested Executive Secretary Thompson to arrange a joint meeting of the two Boards in January of 1987.

Discretionary Fund Expenditure

It was on motion unanimously

VOTED: To approve an expenditure in the amount of \$100 from the Discretionary Fund according to a request from the Sudbury Visiting Nurse Association, Inc., dated December 5, 1986.

Miscellaneous Items

Selectman Donald will be attending meetings with MetroWest on December 10, and the Sudbury River Advisory Committee on December 17.

Chairman Frost will attend the MAGIC meeting on Thursday, December 11, 1986, and will be discussing the Bike Trail.

Honor Sudbury Football Team

The Board asked the Executive Secretary to prepare an acknowledgement of the successful year and Super Bowl Championship of Sudbury's high school football team.

Site Plan 86-302/James S. DiGiandomenico

Present: Applicant James DiGiandomenico, 181 Cochituate Road, Wayland; Attorney John C. Powers; Engineer Bruce Ey, Schofield Brothers, Inc.; abutters James and Barbara Fisher, 16 Concord Road, Natalie Eaton, 24 Church Street, and Donald and Suzanne Jenkins, 20 Concord Road.

Chairman Frost opened a public hearing in accordance with Sudbury Zoning Bylaws IX,V,A, to consider application #86-302 for a Site Plan Special Permit from James S. DiGiandomenico, for conversion of a residence to office building with associated parking, at 344 Boston Post Road, Business District 3 and Residential District A-1.

Executive Secretary Richard E. Thompson advised that parties in interest have been notified and notice of public hearing had been duly posted and advertised in accordance with Sudbury Zoning Bylaws and M.G.L.c.40A.

The Board noted receipt of the following communications relative to Mr. DiGiandomenico's site plan for property located at 344 Boston Post Road:

-Letter dated December 3, 1986, from the Planning Board stating concern regarding proposed construction of 13 parking spaces and driveway on residential land; inadequate driveway and street entrance width; encroachment into the ten-foot buffer strip; and drainage problems.

-Letter dated December 4, 1986, from Inspector of Buildings Joseph E. Scammon, recommending approval subject to Board of Appeals approval of the parking lot and buffer.

-Letter dated November 10, 1986, from Fire Chief Michael Dunne, stating no objections to the plan.

-Letter dated November 20, 1986, from Board of Health Director Michael J. Sullivan, stating no objections to the plan conditioned on office space only and no underground storage of fuel.

-Letter dated November 28, 1986, from the Conservation Commission stating no concerns on the proposed project, suggesting that the applicant be required to install grease and gas traps in any catch basins that may be installed in the parking lot to reduce the potential for wetland pollution downstream.

-Letter dated December 2, 1986, from the Design Review Board Chairman William Firth, recommending approval of the exterior restoration and the landscape design plan with the condition that Canada Hemlock be substituted for White Pine in the plan.

-Letter dated November 24, 1986, from Assistant Town Engineer Bruce A. Kankanpaa, reporting:

The driveway is too narrow to support two-way traffic.
The driveway's entrance onto Boston Post Road is in a hazardous location.

Lack of pedestrian walkway.

Anticipated storm water runoff from the driveway to an existing catch basin on Boston Post Road is in violation of section IX,V,A,6d of the Bylaws.

There is no safely accessible route from the handicapped parking space into the building.

The maneuvering aisle in the rear lot encroaches into the ten foot buffer strip required by section IX,V,C,9b.

The plants providing a buffer screen as shown on the landscaping plan are not dense enough.

-Letter dated November 30, 1986, from Barbara and James Fisher, 16 Concord Road, stating that said application violates standards dealing with public safety, parking facilities, and water runoff.

Attorney John C. Powers presented the site plan for residential conversion for office building, located at 344 Boston Post Road, property area 22,936 square feet. The office building is to employ six to eight persons maximum and will be for internal operations only. Operations headquarters are located elsewhere and there will be no sign. Mr. DiGiandomenico purchased the property in May, 1985 and has restored the existing structure.

Mr. Powers stated that the applicant would be seeking relief from the Board of Appeals regarding the size of the driveway and the parking lot.

Mr. Ey stated that runoff from the property would be handled on-site and reduction of the area of the parking lot would keep the pavement twenty feet from abutters' property.

Selectman Donald stated, in her opinion, the exit would be at a very dangerous intersection and there were too many negatives for her to approve the plan at this time.

Selectman Wallace pointed out that Bylaws regarding parking lots were passed at Town Meeting April, 1985, before Mr. DiGiandomenico purchased the property.

Chairman Frost asked Town Counsel what options were available to the Board. Town Counsel stated the Board could deny the application; conditionally approve the application; defer action until the Board of Appeals has acted on this application (the applicant could not come before the Board again for two years if denied); or advise the applicant to withdraw the application and obtain a favorable ruling from the Board of Appeals and then request another hearing with the Board of Selectmen.

Executive Secretary Thompson recommended that the applicant be advised to withdraw his application without prejudice and seek approval from the Board of Appeals.

Attorney Powers stated that, after hearing reports from various Town Boards, recommendations of Town Counsel and statements from the Board of

Selectmen, the applicant wished to withdraw his application for Site Plan Special Permit for conversion of a residence to office building with associated parking, at 344 Boston Post Road, without prejudice.

It was on motion unanimously

VOTED: To allow withdrawal of application 86-302 by James S. DiGiandomenico, 181 Cochituate Road, Wayland, for Site Plan Special Permit for conversion of a residence to office building with associated parking, at 344 Boston Post Road, without prejudice.

Hughes Land/Concord Road

Present: Mr. Clifford J. Hughes, 27 Concord Road; Conservation Commission Members; Conservation Coordinator Deborah Montemerlo; Sudbury Housing Authority Chairman Linda Gregory and Executive Director JoAnn Howe; Nancy Valentino and Roy Smith of R. Smith Associates; abutters Dorothy and Jerome McGonagle, 52 Concord Road, and Barbara Allerton, 34 Church Street.

Chairman Frost opened discussion on the question of exercising the Town's sixty-day first refusal option, under General Laws Chapter 61A, §14, to meet a bona fide offer with respect to a notice of intent of Mr. Clifford Hughes and Hughes Realty Trust, to sell a parcel of land identified on Assessors' Map K08 as Parcel 027, containing 16.73 acres, assessed on the basis of agricultural or horticultural use, to Roy C. Smith for use other than agricultural or horticultural. (Subject continued from the Board's November 24, 1986 meeting).

Chairman Frost asked Mr. Hughes if he had any further information for the Board to consider. Mr. Hughes stated that he would prefer to sell the above parcel of land to Roy C. Smith.

Mr. Smith presented the Board with a drawing of the property indicating where he would propose to construct five buildings, containing four units each. The units would be sold as condominiums to persons aged fifty-five or older. Maintenance would be provided for the exterior of the buildings and also for the grounds.

Mr. Smith said he would intend to construct through the Massachusetts Housing Partnership program, which provides the Town with control of 25% of the condominiums for first-time buyers (identified as not having owned property in the past three years) who are of moderate income. These condominiums would be sold at a reduced price, approximately \$86,000 to \$110,000, compared to the \$200,000 plus cost of the other units. Buyers of the moderate-priced units would be selected by a method adopted by the Town.

A small recreational building would be constructed on the property, and the remainder of the land would be deeded to the Town under a conservation easement.

Mrs. Dorothy McGonagle, 52 Concord Road, asked what the exterior appearance of the buildings would be.

Mr. Smith said that the buildings would be one-story high with a standard roof pitch; and, Mrs. Valentino provided Mrs. McGonagle with pictures of similar buildings.

Mr. Jerome McGonagle, 52 Concord Road, said that he would prefer to have the property developed privately rather than through the Town.

Housing Authority Chairman Linda Gregory stated that the Housing Authority supported the Town exercising its sixty-day refusal option, and if acquired by the Town, the Housing Authority would be willing to share the land with the Conservation Commission.

Selectman Donald asked Mr. Smith if the Massachusetts Housing Partnership program would cost the Town any money. Mr. Smith said it would not.

If Mr. Smith were unable to obtain approval to construct as above, he would develop six to eight lots and construct single-family residences.

Mr. Smith said another manner for construction of low/moderate income housing by state law was to go to the Board of Appeals for a comprehensive permit, but that he was not interested in constructing here in that manner.

Selectman Wallace stated that he was mindful of the fact that the Town must act on its first refusal option sixty days from October 30, 1986, and also that Mr. Hughes wishes to sell the property prior to 1987. However, Selectman Wallace stated that he felt the Board should table the first refusal motion for two weeks to allow Town Counsel and Mr. Smith time to meet and prepare the presentation in written form to ensure that the plan presented tonight can be implemented.

Town Counsel inquired if Mr. Smith was agreeable with a deed restriction regulating what was constructed on the property.

Mr. Smith stated that was agreeable with him providing that the Board of Appeals and other Town agencies approve the method of construction (i.e. the condominiums). If the Board of Appeals did not approve the application, then he would construct the six to eight single-family residences.

Following further brief discussion, it was on motion unanimously

VOTED: To continue this hearing on exercising the Town's sixty-day first refusal option, under General Laws Chapter 61A, §14, to meet a bona fide offer with respect to a notice of intent of Mr. Clifford Hughes and Hughes Realty Trust, to December 22, 1986, based on the indication that the Purchase and Sale Agreement between Mr. Clifford Hughes and Hughes Realty Trust and Roy C. Smith will be extended to December 23, 1986.

It was further,

VOTED: To request Town Counsel to meet with Roy C. Smith during the week, to arrive at an agreement which will incorporate the agreements, representations and promises of the developer as stated tonight.

It was further,

VOTED: That the Conservation Commission and the Planning Board shall provide their input in writing to the Selectmen within the next three/four days.

The Chairman thanked Mr. Smith for his presentation and cooperation.

Budget Review, FY1987-88/Building Department

Present: Building Inspector Joseph E. Scammon, and Carolyn S. Stowell, Finance Committee.

The Board discussed with Mr. Scammon the FY88 budget submitted by the Building Department with a total request of \$261,326. Mr. Scammon explained the request for capital equipment in the amount of \$5,000. The Building Department plans to do additional research into the purchase of a computer and/or a typewriter, and to ask assistance and opinion from Mr. Vanar and Ms. Ackerman.

Executive Secretary Thompson asked Mr. Scammon to coordinate with the Conservation Commission the FY88 budgeting of the Haynes Meadow (Powers) House and incorporate the utilities, maintenance and repair request into the Building Department budget.

The Board and Mr. Scammon discussed the need to hire a part-time inspector to assist with enforcement of zoning violations.

Mr. Scammon said he could use additional funding to provide assistance on enforcement projects.

After considerable discussion, it was on motion unanimously

VOTED: To add an additional \$3,000 to the Building Department budget item 340-140 for assistance to the Inspector of Buildings on zoning enforcement; the arrangements for implementing the same shall be coordinated by the Executive Secretary. It is understood that if the Deputy Inspector of Buildings, Earl D. Midgley, will not assume this task, that a second Deputy Inspector of Buildings will be appointed to do so.

Upon recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To support the Building Department budget with the additional expense as noted in the above vote.

Budget Review FY 1987-88/Law

Present: Town Counsel Paul L. Kenny.

After brief discussion, it was on motion unanimously

VOTED: To support the Law budget as prepared.

Budget Review FY1987-88/Unclassified

Present: Executive Secretary Richard E. Thompson.

After brief discussion, it was on motion unanimously

VOTED: To support the Unclassified budget subject to clarification of line 808, School Tuition.

Annual Report/Selectmen

Executive Secretary Thompson distributed a draft of the Selectmen's 1986-87 Annual Report to the Board.

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-Clerk