

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 3, 1986

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 7:30 p.m. by Chairman Fox.

Utility Petition 86-1/Plympton Road

Present: Edmund F. Kelly, Boston Edison.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered Utility Petition 86-1 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay and maintain, and a location for, such a line of conduits and manholes with the necessary cables therein, under the following public way of the Town:

Plympton Road - southwesterly approximately 225 feet southeast of Clark Road, a distance of about 8 feet - conduit.

Executive Secretary Richard E. Thompson noted that all appropriate abutters and Town officials had been notified and that the Building and Wiring Inspectors approve.

It was on motion by Selectman Frost unanimously

VOTED: To approve Utility Petition 86-1, as described above and as shown on the following plans: "Plan for Proposed Conduit Location to Accompany Petition of New England Telephone and Telegraph Company", dated January 27, 1986; and Boston Edison plan entitled, "Plan of Plympton Rd., Sudbury Showing proposed location of conduit", dated December 18, 1985.

Authorize Police to assist in 1986 Annual Town Census

On request of the Town Clerk, it was on motion by Selectman Donald unanimously

VOTED: To authorize the Police Department to assist the Town Clerk, if necessary, in the conduct of the 1986 Annual Town Census.

Annual Town Election and Town Meeting

It was on motion by Selectman Frost unanimously

VOTED: a. To set the 1986 Annual Town Election for the four precincts in Sudbury for Monday, March 31, 1986, from 7:00 a.m. to 8:00 p.m. at the Peter Noyes School;

b. To establish that the Annual Regional School District Election shall be combined with and held as part of the Annual Town Election of Sudbury, that the ballot for the Annual Regional School District Election shall be included with and prepared as part of the ballot for the Annual Town Election;

- c. To establish that the listing of the offices shall be the same as set forth in the Warrant for the Lincoln-Sudbury Regional School Committee Election and shall be printed as the last office on the ballot;
- d. To set the opening session of the 1986 Annual Town Meeting on Monday, April 7, 1986, at 8:00 p.m. in the auditorium of the Lincoln-Sudbury Regional High School; and
- e. To approve allowing the Board of Registrars to hold special voter registration sessions prior to the Annual Town Election and the Annual Town Meeting at the Town Hall, in accordance with Chapter 51, section 30 of the General Laws.

Fire Dept. Bills

It was on motion unanimously

VOTED: To authorize Captain Gerald Spiller to sign bills payable vouchers in the absence of the Fire Chief during the period of February 16-28, 1986, as requested by the Fire Chief in a letter dated January 30, 1986.

Authorize Expenditure/Council on Aging

In accordance with a request from Council on Aging Chairman Col. Paul J. Leahy, it was on motion by Selectman Frost unanimously

VOTED: To authorize an expenditure of \$300 from the General Ledger Council on Aging Van Donation Account to pay the insurance deductible amount for repair work on the van.

Mass. Commission Against Discrimination/Memoranda of Agreement

It was on motion by Selectman Donald unanimously

VOTED: To approve submission of the following to the Massachusetts Commission Against Discrimination, in accordance with the Memoranda of Agreement signed by the Board of Selectmen in March 1984:

- 1) Addenda to Affirmative Action Plan, August 1985:
 - I Definitions
 - II Civil Service Certification statement
 - III Collective Bargaining Contract Review
 - IV Minority Recruitment Resources
- 2) Fair Housing Program
- 3) Supplemental Equal Opportunity, Anti-Discrimination and Affirmative Action Program.

Minutes

It was on motion by Selectman Frost

VOTED: To approve the minutes of the Regular and Executive Sessions and the Town Farthers Forum of January 27, 1986, all as drafted.

(Selectman Donald abstained as she was not present at the Board's January 27th meeting.)

Binding Arbitration

Selectman Frost reported that the Binding Arbitration bill had been re-submitted to this session of the Legislature and, upon agreement of the Board, directed the Executive Secretary to send letters of opposition to our representatives and the Governor.

Cable Television

With regard to a communication forwarded to Jack VanKuilenburg, Adams Russell Cablevision-Middlesex, Inc., serving as the Town's request, in accordance with Section 10 of the Final CATV License, dated April 16, 1985, that free National cable television service be provided in designated Town public buildings, Chairman Fox suggested that Mr. Thompson include in the list of designated Town buildings the landfill building. Mr. Thompson stated he would look into doing so.

MCSA Annual Meeting

The Board was in receipt of notice of the Middlesex County Selectmen's Association's annual meeting to be held Wednesday, February 26, 1986, beginning at 6:30 p.m., at the Sheraton Lexington. Selectmen Frost and Donald may be able to attend; Selectman Fox will not.

Easements/Walker Property, Goodman's Hill Road

On the recommendation of the Executive Secretary, it was on motion by Selectman Frost unanimously

VOTED: To approve and sign, on behalf of the Town, a drainage easement, granted by Marjorie and Elizabeth Walker, on property located on Goodman's Hill Road, shown as a "Sight and Drainage Easement" on Lot 1 and "20' Wide Drainage Easement" on Lots 3 and 4 on a plan entitled, "'Definitive Plan" Plan of Land in Sudbury, Massachusetts'.

SP83-271/Mill Village

In accordance with the Selectmen's vote of November 21, 1983, (amended November 13, 1985) approving SP83-271 of Mill Village Realty Trust, for property located at 361 Boston Post Road, the Board signed an as-built plan, entitled "Plan of As-Built Construction in Sudbury, Mass.", dated December 23, 1985.

Site Plan 85-298/Sudbury Kitchen and Bath, 333 Boston Post Road

Present: Applicants Michael S. Vallerand (property owner) and Victor E. Toscano, d/b/a Sudbury Kitchen and Bath Center, Inc.; Building Inspector Joseph E. Scammon.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan 85-298 of Michael S. Vallerand and Victor Toscano, d/b/a Sudbury Kitchen and Bath Center, Inc., for property located at 333 Boston Post Road, owned by Michael S. and Angela Vallerand, BD#2, for a second floor addition to the existing building.

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

- from the Planning Board, dated January 29, 1986;
- from the Fire Chief, dated January 28, 1986;
- from the Board of Health, dated January 23, 1986;
- from the Conservation Commission, dated January 15, 1986;
- from the Town Engineer, dated January 9, 1986; and
- from the Building Inspector, dated January 28, 1986.

Responding to questioning from the Selectmen, the applicants stated that the proposed use, kitchen and bathroom sales, will not be a busy use - they expect no more than 2-3 cars at a time; that the second story addition, by its architecture, will enhance the area by blending in with it (showed a 2-sheet plan entitled, "Sudbury Kitchen & Bath Center, Inc., 233 Boston Post Road", sheet 2 dated October 8, 1985, including architecture); the proposed height of the building will not exceed the 35' maximum limited by the Town's Zoning Bylaw.

There was a lengthy discussion relative to the discrepancies between the Town Engineer's and the Building Inspector's above-noted reports relative to the location of the building in relation to the floodplain. The Selectmen were satisfied with the Building Inspector's determination that the building is not in the flood plain since that determination was based on two maps (Sheet 3 of Topographic Plan of Hop Brook Area dated August 20, 1970, and A Zones on Sheet 6 of Flood Insurance Rate Map (FIRM) dated June 1, 1982) cited in Section F of the Town Zoning Bylaw. However, the issue of resolving that reference in the Bylaw, because of the difference between those maps and the Town's aerial photographs, which had been used by the Town Engineer and resulted in his determination that the building was within the flood plain and would, therefore, require a zoning variance for any addition, was referred back to the Building Inspector and the Town Engineer - possibly for an article for presentation to the 86ATM to amend this section of the Zoning Bylaw.

There was a lengthy discussion on the issue of whether or not the applicant would be required to go before the Zoning Board of Appeals for a special permit on the question of whether the existing building is non-conforming or whether the use is non-conforming. Town Counsel's opinion, based on documented cases, is that a building on a non-conforming lot means non-conforming use. The lot the building is located on is, under current Town Bylaws, non-conforming because there is no direct frontage on a street. The Building Inspector's opinion is that a lot may be non-conforming, but that would not make the use non-conforming if the use is allowed in the particular district (in this case the use for a retail showroom for the display and sale of kitchen cabinets and related items is an allowed use for a Limited Business District), nor would it make the building non-conforming in this case because it meets all the required setbacks of the Town Zoning Bylaws. The Building Inspector quotes (in his report) the Town Zoning Bylaw in Section I, C, 3 "The Board of Appeals by special permit may

authorize a non-conforming use to be extended or a non-conforming building to be structurally altered or enlarged; provided that such extension, alteration or enlargement meets all the following requirements..." (emphasis provided by underlining).

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

VOTED: To table by mutual consent Site Plan 85-298 of Sudbury Kitchen and Bath Center, Inc., for property located at 333 Boston Post Road, to Monday, February 10, at 9:00 p.m., for a clarification from Town Counsel and the Building Inspector on the issue of whether the applicant must go before the Board of Appeals for a Special Permit based on the building's location on a non-conforming lot.

The applicant is aware that they must file a Wetlands Protection Act Request for Determination of Applicability with the Conservation Commission for construction within 100' of the wetlands.

D'Angelo Sandwich Shops, 435 Boston Post Road/Common Victualler License

Present: Building Inspector Joseph E. Scammon; Stephen Ferrari, 103 Warren Road, representing D'Angelo Sandwich Shops; and Richard Cohen, Sudbury Crossing Associates Realty Trust.

Chairman Fox convened a public hearing on the application of D'Angelo Sandwich Shops, 435 Boston Post Road, Sudbury Crossing, Store 13, for a Common Victualler License.

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

- from the Building Inspector, dated January 31, 1986, recommending approval;
- from the Fire Chief, dated January 24, 1986, with comments;
- from the Board of Health, dated January 24, 1986, conditioning approval on nine listed items.

During his presentation, Mr. Stephen Ferrari, on behalf of D'Angelo Sandwich Shops, gave the following information: D'Angelo Sandwich Shops is a regional chain with 100+ restaurants throughout New England; he showed pictures of various shops and provided the Board with a copy of the menu. He stated that the Sudbury shop would occupy 1900 square feet of area (Store 13) and have a thirty-six seat dining area. On the plan, Mr. Ferrari explained that the long counter shown is where items will be served; the "preparatory area" is where cold cuts, tomatoes, etc., would be sliced, and the "make area" is where sandwiches will be assembled. There will be a 6' grill for hamburgers and steaks which will be vented as required by the Fire Chief.

Relative to the Fire Chief's concern that the fire lanes are not yet marked at the Sudbury Crossing shopping complex, Mr. Richard Cohen was present, and during conversation with the Selectmen, agreed to have the curbing properly

marked and signs posted within two weeks.

On the Fire Chief's belief that original approval of the Sudbury Crossing complex site plan had been conditioned on no restaurants being permitted, Mr. Thompson stated that the Board of Health's recommendation and the Selectmen's site plan vote of approval made no reference to such a restriction, adding that the original site plan proposal included plans for a restaurant - that site plan was later revised and the restaurant was eliminated.

It was on motion unanimously

VOTED: To grant a Common Victualler License to D'Angelo, Inc., d/b/a D'Angelo Sandwich Shops, to be exercised during the hours of 10:00 a.m. to 11:00 p.m., seven days a week, at property located at 435 Boston Post Road, Sudbury Crossing, Store 13, subject to the following:

- conditions set forth in a communication from the Board of Health, dated January 24, 1986, as follows:

- seating capacity not to exceed 40.
- paper service only.
- meter to monitor only D'Angelo's water usage.
- daily water usage not to exceed 500 gallons.
- interior grease trap must be installed.
- the septic tank and distribution box must be inspected for excessive grease six months after occupancy and periodically thereafter; if there is excessive grease, an external grease trap of adequate size must be installed.
- a floor plan must be approved by the Board of Health.
- a food service permit must be obtained.
- approval is not transferable.

- requirement set forth in the Fire Chief's report of January 24, 1986, that, if a fryalator is installed, an Ansul type dry chemical extinguishing must be installed and connected to the fire alarm system.

Site Plan 85-293 - Chiswick Trading, Inc., 490 Boston Post Road

Present: Building Inspector Joseph E. Scammon; John C. Drobinski, Planning Board; Winthrop Fairbank, Sudbury Water District; applicant Ted Pasquarella, President of Chiswick Trading, Inc. and Trustee of Paris Realty Trust; David Galler and Sko Ping, David Galler Associates; Fred King, Schofield Bros., Project Engineer; Mike Hudson, I.E.P, Hydrologist and Environmental Planning Consultant; Andy McGee and Janet Carpenito of Rizzo Associates, Engineers and Environmental Planners; and Project Manager Frank M. Vana.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan 85-293 of Paris Realty Trust, for property located 490 Boston Post Road, zoned Limited Industrial, for the construction of an office/warehouse type building housing five companies.

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

- from the Planning Board, dated January 29, 1986;
- from Schofield Brothers, Inc., dated October 10, 1985;
- from the Conservation Commission, dated October 1, 1985;
- from the Fire Chief, dated October 11, 1985;
- from the Board of Health, dated October 11, 1985;
- from the Town Engineer, dated October 10, 1985; and
- from the Building Inspector, dated October 31, 1985.

Mr. Frank M. Vana, Project Manager, gave a chronology of past events culminating in tonight's hearing for this site plan; the highlights of his comments are as follows: the proposal is to construct a 127,000 square foot warehouse/office complex on a 16-acre parcel which will provide short- and long-term expansion of Chiswick Trading which has been operating for several years in the existing building formerly known as the Sudbury Skating and Tennis Club. As the original site was prepared for the Skating and Tennis Club it has the largest single leaching field in Sudbury with a capacity of over 7800 g.p.d.; no additional system will be needed for the proposed use. The warehouse distribution center expansion will house approximately 100 new employees including a 10% office support system and provide 139 new parking spaces. Total building coverage is 18.3% of site, total impervious surface is 40.1% of site, and 60% will remain open space. Requirements and suggestions proposed by the Conservation Commission regarding wetlands and wetland impact of this project have been met and an Order of Conditions was released on October 4, 1985 (as noted in the above-noted communication from Schofield Brothers, Inc.).

Mr. Vana thanked the Selectmen's office for providing several extensions of the hearing date in order that they might conduct more phases of testing as requested by the Board of Health, the DEQE, and the Planning Board. Mr. Vana stated that the problem the applicant is obliged to address revolves around the emission of certain hazardous materials which have migrated through a common drain area from Coatings Engineering, located approximately 500' in a northerly direction from this site, (Coatings will be ceasing operations in Sudbury in July 1986) that many tests have been conducted to determine to what extent the Chiswick property and the proposed expansion has been affected by this migration, and testing will continue throughout all phases of development, as required, under the supervision and guidance of the DEQE, the Board of Health and the Water District, until the existing combination of the "hazardous waste" disposal and ensuing clean-up removes any threat that previously existed. Mr. Vana stated that post-construction, monitoring wells will be installed.

Responding to questioning by the Selectmen, representatives of Paris Realty Trust stated the following:

- there is a connecting roadway from the existing building to the proposed new building.
- no storage of chemicals will be allowed (Mr. Vana stated that samples taken of the holding tanks and leaching field showed no hazardous materials present).
- 50,000 square feet of the expansion will be taken up by Chiswick, the remainder will be rented out for industrial use.

There was a lengthy discussion relative to the architectural renderings which were displayed. David Galler and Sko Ping, architects for the project, explained the materials which would be used for the exterior of the building,

that for the majority of the warehouse portion of the building, insulated metal panels (not corrugated), available in many colors, would be used (this would be visible from abutting Raytheon property), and for the office portion, scored masonry blocks (this would be visible from Route 20); all entries around the building, with the exception of the loading dock, will be within the masonry areas. Most of the windows are located in the office portion of the building and there would be skylights in the warehouse area.

Speaking for the Planning Board, Mr. Drobinski expressed the concern that, in order for the building not to appear to be a concrete-like, cinderblock structure, the Planning Board had recommended that it be a reddish tone to blend in with the Fire Station and Raytheon.

Ms. Ping and Mr. Galler stated that the architecture was designed to show different treatments, i.e., skylights, groupings of windows, separated by other elements, in an effort to break the long expanse of the building (approximately 250' in length) down into smaller sections so that the building is noticed in sections as one would drive along Boston Post Road, and would be a way to distinguish the warehouse from the office area (the office area to be brick).

Mr. Drobinski stated that the Planning Board has several concerns - major concerns being 1) additional traffic exiting and entering Boston Post Road by the creation of another access road for the property onto Route 20, especially the impact of 18-wheelers turning onto Route 20 at this intersection; and 2) the problem of contamination of soil and water on the site considering the close proximity of the site to the Town's water supply (Raymond Road well field). Mr. Drobinski stated that the Planning Board does not have the results from Mr. Vana on the current testing; that they are concerned over the Methylene Chloride and Trichloroethylene found in the water and the level of acetone found in the soil. The Planning Board feels it is in the Town's best interest to have a very detailed study done which will determine what impact any development on that site will have on the Town's water supply. Mr. Drobinski pointed out that water samples taken from a monitoring well on the other side of Route 20 also contained Trichloroethylene.

Board of Health member Michael Guernsey stated that he, Mr. Vana, Mr. Pasquarella, and Mr. McGee had met with the DEQE last Thursday, January 30, and, in view of the fact that three test sample composites showed some elevation of polluted ground (Methylene Chloride had been found), and because Chiswick would like to go forward with the project, Mr. Pasquarella has agreed to the following:

1) Mr. McGee will take additional samples at 1', 2' and 3' levels where the building is to be constructed and throughout the entire site (Mr. Guernsey stated that there is no evidence that Mr. Pasquarella is responsible for what is in the area but he is willing to put out the money to clean it up); and prepare proposals during construction depending on the level of contaminants in the soil displaced during construction to truck out or store on plastic liners on the site until it is decided what will be done with it.

2) If they encounter any "contaminated" groundwater during construction, it will be pumped out and treated and cleaned according to DEQE specifications before it is allowed to drain from the area.

3) Mr. McGee will propose a venting system for under the foundation of the building so that any hazardous materials which might collect under there will be vented out and employees will be free of hazardous vapors.

Regarding the leaching field only one corner showed some sign of use, according to Mr. Guernsey. Mr. Guernsey stated that the applicant had satisfied the Board of Health's concern and (permanently) eliminated the property line between the two parcels (parcel owned by Paris Trust - former Sudbury Skating and Tennis Club - and the 16.68 acre parcel with frontage on Boston Post Road) so that the existing and the proposed buildings are now on one large parcel and can utilize the same leaching facility. Mr. Guernsey stated that monitoring wells will be put in after construction and that, as long as the applicant complies with the DEQE and the Board of Health's regulations and requirements, before, during, and after construction, the Board of Health has no problem with the plan.

Mr. Vana pointed out that the DEQE is officially notifying the contributor (Coatings Engineering) to acknowledge and be responsible for the clean-up.

Responding to Chairman Fox, Building Inspector Joseph E. Scammon stated that there is not a restriction as to the number of buildings which can be constructed on a lot in a non-residential area.

Responding to Mr. Scammon it was noted that the the applicant would be applying for curb cut permits from the State after receiving other necessary permits from the Town.

Mr. Drobinski questioned "the experts" on how shallow (1') soil samples would indicate off-site sources of contamination.

Mr. McGee stated that samples were taken at the maximum of 3' down because that is the amount of soil which would be displaced for a foundation. He stated that the contaminants they are seeing are related to Plasticizers; his theory for seeing these near the surface is because the water level is so high. Most of the contaminants are volatile organics and have a tendency to bond to the clay particles. The contaminants are in the ground water and as the ground water rises they bond to the clay particles; he said it does not appear to be a dumping situation.

Mr. Drobinski asked if Coatings is the up gradient site to the northeast of where Methylene Chloride was found in the soil, how does Mr. McGee explain the Methylene Chloride contaminates found on the westerly side.

Mr. McGee showed where Coatings' drainage ditch was, stated that the gradient is a flat water table and that he is seeing minor fluxuations in the samplings of three wells they had put in on this parcel and from the drainage ditch; he stated that he will be coming up with a proposal for further testing and plans to do a much more detailed analysis.

Chairman Fox asked what the water gradient is on this site, to which Mr. Fairbank stated that the District did not know and that was a crucial issue. He said that the District has two observation wells that were put in last year on the other side of Route 20, one on Interstate's property and one in back of Friendly's, to analyze anything coming from that direction (Chiswick and

Coatings property), and that they did find volatile Trichloroethylene, that Chiswick has it in their #101 and #103 wells; also, that chemicals have been found in the groundwater and the soil and that the property "looks suspect" to the District. He continued to say that the Water Commissioners want to include an appropriation article in the Warrant for its upcoming Annual District Meeting (February 24, 1986) for the installation of more observations wells in the area and to see which way the gradient is on the northwest side. Mr. Fairbank stated it was important to determine what the gradient is; that the Water Commissioners never felt that the Trichloroethylene that they found at the observation well on Interstate's property came from Coatings; rather, that it had come from the old Interstate gasoline station. Mr. McGee stated that multiple sources are possible, pointing out that all the contaminants found were reported as chemicals listed and used by Coatings on their abutting property. He also stated that Methylene Chloride is a common constituent in septic cleaners so that any septic system could be a potential source.

Mr. McGee stated he had heard that Coatings had retained an engineering firm (E. C. Jordan of Maine) to do what Coatings is calling an environmental assessment report of its property. Chairman Fox asked Mr. McGee to share his data with the Board of Health and the Water District. Responding to Chairman Fox, Mr. Guernsey stated that they could request a copy of the environmental assessment from the DEQE as it is public information. Mr. Guernsey went on to say that Coatings wants to sell their property and they can't sell it until it is cleaned up. Mr. Guernsey responded to Mr. Drobinski that the Board of Health had required an extensive study from Raytheon when their new construction went in and they were clean of any volatile organics; it was his opinion that nothing that went on in the Chiswick building has contributed to the contaminants which have been found.

Selectman Frost commented that Paris Realty Trust, the owner of the property, has a legal right to do what it wants on his property; that the contamination was from outside sources; that he personally would be willing to sign the site plan subject to the applicant following a program set forth by the Board of Health and the DEQE before, during and after construction. He said that everything the applicant has done so far is a plus for Sudbury and the Water District.

Chairman Fox expressed his agreement that Mr. Vana had done a lot of work and that Mr. Pasquarella has good intentions of cleaning up the site but indicated that he reached a different conclusion than Selectman Frost based on the remaining question in his mind of what the impact development of the site will have on the Town's wells across the street.

Selectman Donald stated that the work Chiswick is doing is admirable, that if they did not do the job it would not get done, and that she would like to see it continue. If site plan approval is granted it has to be very clear that all of the questions which have been raised are answered to the best of everybody's ability. Selectman Donald stated that there should be assurances that the Water District is thoroughly involved and approve of what is being done. On the question of whether a hydrogeological study should be done, Selectman Donald did not feel she had the experience to answer that but felt that everyone pretty much knows where the chemicals are coming from. Her only question is, "has it stopped coming"? Mr. Guernsey replied that some chemicals are still being discharged from Coatings and this will not stop until July 27 when Coatings

ceases operations, that samples taken in May and July from the discharge pipe at Coatings showed traces of Trichloroethylene and acetone. Responding to Chairman Fox, Mr. Guernsey felt, if the storage license the Selectmen had just approved for Coatings Engineering had not been approved, it would not have made a difference. The DEQE, he stated will let these people continue as long as they are working on the problem no matter how long it takes. He added that the problem is very much better today than it has been in past years.

Chairman Fox repeated his concern about the impact construction of that building would have on the Town's wells. Mr. Guernsey stated that the final plans, explaining what Chiswick's construction consists of, have to be approved by the DEQE - what will be done with contaminated soil, what will be done with contaminated groundwater - Chiswick will treat water out of the swale and that is a plus for Sudbury, he said. Chiswick will have to file with the DEQE Division of Water Pollution to do that type of discharge, and will have to provide a venting system if the ground is still contaminated after the building is constructed, which will filter any vapors in the loose gravel in the ground under the foundation. Mr. Guernsey stated his personal opinion that everything that is being proposed would provide enough safeguards to prevent any further contamination downstream. In relation to anything further which the Selectmen could have done to prevent further contamination by the operations of Coatings at that location, and during a lengthy discussion, in essence, Town Counsel agreed with what Mr. Guernsey had stated about the DEQE and added that it is a practical situation whereby, had the Selectmen caused Coatings to cease operations by not issuing its license, Coatings could have then claimed that it did not have incoming funds to do the necessary cleanup.

Mr. McGee pointed out that Coatings will have to comply with Chapter 21E in terms of cleaning up the property before they will be able to sell it. Mr. Vana added that, according to studies, the best soil - the least contaminated - is the soil on the property where the foundation will be constructed.

Mr. Thompson added that Coatings is aware of what they need to do and expressed his opinion that they would do so; he reiterated that Coatings is making a preliminary investigation knowing that they cannot unload this valuable piece of property until it is cleaned. Mr. McGee agreed and also pointed out that it is unusual for the DEQE to issue a notice of responsibility as it has done with Coatings, and that notice will run with the property so it is a very unique situation.

On the question of access to Boston Post Road by Chiswick, and responding to Chairman Fox, Mr. Vana stated that there is 900' of frontage with no curb cuts, that the view is as good as anywhere on Route 20, and he talked about the possibility of widening the area at the access to provide a very easy flow of traffic. He stated that a thorough traffic impact study had been done by Raytheon which addressed 2,000 cars a day coming out of Raytheon and stated that Chiswick expects a minimum impact (of a maximum in time of 400 cars) and he did not feel that another full traffic study was warranted because of the size and density of Chiswick's operation. He further stated that having the access on Route 20, rather than onto Union Avenue, would alleviate the traffic situation at the Union Avenue/Route 20 intersection.

Chairman Fox asked if there had been any discussion with Raytheon regarding using their driveway. Mr. Vana responded that that is the most traveled,

congested piece of road between 4:30 and 5:00 p.m.; also, the wetlands and septic system on Chiswick's property would prevent a connection road to Raytheon's drive.

Responding to Selectman Donald, the applicant verified that a fire access road did exist on the plan for emergency use only, that the hours of operation were approximately 7:30 a.m. to 5:30 p.m., that there would be a maximum of four trucks per day; and that speed bumps would be installed in accordance with the Town Engineer's recommendation.

Responding to Chairman Fox, Mr. Vana stated there were no changes to the August 26, 1985, revised October 8, 1985, plan.

On the question raised by Mr. Drobinski, on behalf of the Planning Board, that a hydrogeological study be performed, Mr. McGee stated that he is proposing a five-point proposal 1) a sampling plan - regarding the cost, a hydrogeological study would cost approximately \$25,000, but a sampling plan of the foundation area, just for the laboratory work costs \$21,000; 2) discussion of on-site storage if contaminated; 3) assessment of alternatives; 4) safety and health - preventative measures to be sure employees are not exposed to contaminated fumes; and 5) groundwater pumping and cleaning.

Following discussion Mr. Drobinski agreed that, if Mr. McGee could expand his five-point plan to include the following two issues, it would satisfy for the information which would have been gained by having a hydrogeological study done (which, he stated, would take 4-5 months to complete): 1) determine water gradient and 2) determine whether this is a major recharge area.

Responding to Chairman Fox, Mr. Fairbank stated that he did not feel that the recent report done by Dr. Chiang would contain specific enough information as that which would be required by a hydrogeological study.

In conclusion, it was on motion by Selectman Frost unanimously

VOTED: To table this hearing for one week by mutual consent and to direct Town Counsel to draft a motion for the affirmative action of approving and signing Site Plan 85-293 of Chiswick Trading, Inc., for property located at 490 Boston Post Road, subject to regulations before, during and after construction, as set forth by the Board of Health and the DEQE.

There being no further business to come before the Board the meeting was adjourned at 11:30 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk