

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 10, 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.

Tax Anticipation Notes

Present: Town Treasurer Chester Hamilton.

In accordance with a request dated February 6, 1986, from the Town Treasurer, it was on motion by Selectman Donald unanimously

VOTED: To authorize the Town Treasurer to borrow \$1,000,000 in Tax Anticipation Notes, effective March 12 and due May 9, 1986.

Utility Petitions

Present: Carole McManus, Boston Edison.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered the following Utility Petitions:

UP86-2 of Boston Edison Company for permission to lay and maintain, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, under the following public way of the Town:

Ridge Hill Road - southeasterly at Hunt Road, a distance of about 8 feet - conduit; and

UP86-3 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 wires and cables therein, under the following public way of the town:

Boston Post Road - at and northerly from Carding Mill Road, thence turning and running easterly a distance of about 45 feet - conduit.

Executive Secretary Richard E. Thompson stated that all appropriate Town officials and abutters had been notified and that favorable joint responses had been received from the Building and Wiring Inspectors in two communications both dated January 31, 1986.

It was on motion by Selectman Frost unanimously

VOTED: To approve Utility Petitions 86-2 and 86-3, both as described above and as shown on the following plans:

UP86-2: Boston Edison - "Plan of Hunt Rd. and Ridge Hill Rd., Sudbury, Showing proposed pole location of customer conduit", dated December 2, 1985.

UP86-3: Boston Edison - "Plan of Boston Post Rd., Sudbury, Showing Proposed Conduit Location", dated December 17, 1985, and "Plan for Proposed Conduit Location to Accompany Petition of New England Telephone and Telegraph Company", dated February 3, 1986.

Withdraw Street Resurfacing Article

Present: Town Treasurer Chester Hamilton.

Following a brief discussion, it was on motion by Selectman Donald unanimsously

VOTED: To notify the Highway Surveyor of the Board's agreement that Article 18, Street Resurfacing, should be withdrawn from the 1986 Annual Town Meeting Warrant, as requested by the Highway Surveyor, under cover letter dated February 5, 1986, with the understanding that the Selectmen will request the Treasurer to borrow the required \$137,454 for street resurfacing, to be reimbursed under State Department of Public Works contracts.

The Town Treasurer indicated his concurrence with this procedure.

Vote Offsets to Reduce Tax Levy/86ATM

Following discussion, it was on motion by Selectman Frost unanimsously

VOTED: To approve the following offsets (the use of available funds at the 1986 Annual Town Meeting to reduce the tax levy) set forth in a communication from the Town Accountant dated February 5, 1986:

<u>Source</u>	<u>Amount</u>	<u>To Offset</u>
Federal Revenue Sharing	\$37,500	310-110 Fire Salaries
Federal Revenue Sharing	37,500	320-110 Police Salaries
Cemeteries:		
Sale of Lots	3,533	410-110 Highway Salaries
Mt. Wadsworth	2,503	"
Mt. Pleasant	2,564	"
North Sudbury	1,633	"
New Town	4,722	"
Old Town	<u>1,336</u>	"
	16,291	

And to concur with other offset recommendations as follows:

State Aid	7,014	600-520 Library - Books
Dog License Refund	2,149	600-520 Library - Books
Overlay Surplus	60,000	950-807 Reserve Fund
Sale of Town Buildings	30,193	504-51 Assessors' computer (tentative)
Stabilization Fund	125,000	310-510 Fire Equipment
Stabilization Fund	<u>44,000</u>	400-510 Highway Equipment
Total Stabilization Fund	169,000	
Free Cash	413,000	

Transfer Request

It was on motion unanimously

VOTED: To approve a Request for Transfer No. 86-13, dated January 30, 1986, from the Reserve Fund, to Non-contributory Retirement, Account No. 950-820, in the amount of \$504.04, due to a new retiree, Ch.32, s.59A, and as further explained on the numbered transfer.

Special Voter Registration

In accordance with a schedule voted by the Board of Registrars and provided by the Town Clerk under cover letter dated February 3, 1986, it was on motion by Selectman Donald unanimously

VOTED: To allow special voter registration sessions for the Annual Town Election and Town Meeting, to be held at the Town Hall, in accordance with the provisions of G.L.c.51, sections 27, 28 and 30, as follows:

Monday, February 24, 1986	7:00 - 9:00 p.m.
Monday, March 3, 1986	7:00 - 9:00 p.m.
Saturday, March 8, 1986	12:00 noon - 8:00 p.m.
Tuesday, March 11, 1986	9:00 a.m. - 10:00 p.m.

Sale of Fire Alarm Pedestals

Present: Fire Chief Michael Dunne.

It was on motion by Selectman Frost unanimously

VOTED: To permit the Fire Chief to sell fire alarm pedestals for \$100 per pedestal, in accordance with a request dated February 5, 1986, from the Chief.

The Chief stated he has about 14 pedestals.

Resignation/Memorial Day Committee

It was on motion by Selectman Frost unanimously

VOTED: To accept the resignation, dated January 30, 1986, of David H. Bentley, from the Memorial Day Committee, effective April 30, 1985, and to forward an appropriate letter of appreciation to Mr. Bentley for his service on said Committee.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of February 3, 1986, as corrected.

Accept Donation/Council on Aging

It was on motion by Selectman Frost unanimously

VOTED: To accept miscellaneous donations in the amount of \$118 to be placed in the Council on Aging Van Donation Account, and to authorize the Council on Aging to expend the same for the purposes of operating and maintaining the Council on Aging van.

Boston Edison Centennial

Selectman Frost will attend the Boston Edison Centennial on Thursday, February 27, 1986.

Fair Housing Committee

The Selectmen discussed the make-up of the Fair Housing Committee; they suggested a member of the Sudbury Visiting Nurse Association, the Selectmen, the Sudbury Housing Authority, and the local clergy. Members of the Board gave Mr. Thompson some names of individuals who might also be considered.

DPW Seminar/Local Sign Ordinances and Bylaws

With regard to a seminar to discuss the impacts of the Metromedia, Inc. v. City of San Diego Supreme Court decision which questions the constitutionality of local sign ordinances and bylaws, to be held Thursday, February 27, at 10:00 a.m., in Boston, Mr. Thompson stated that Planning Administrator Lee Newman would attend.

Historic Districts Commission Matters

With regard to a series of communications having to do with the Historic Districts Commission's jurisdiction relative to the preservation of the natural landscape in historic districts, primarily in the Wayside Inn area, the Board directed Mr. Thompson to draft a response to the Historic Districts Commission's most recent communication of February 4, 1986, and to include in that response the fact that the Selectmen would like to meet with the Commission following the Annual Town Meeting to discuss the Commission's concerns.

Change Name: Town Fathers Forum

The Selectmen agreed to change the name, Town Fathers Forum, to Town Forum, effectively immediately, and directed the Executive Secretary to note this change when sending out notices for the upcoming February Forum.

Cancel Meeting

It was on motion by Selectman Frost unanimously

VOTED: To cancel the Selectmen's meeting of Monday, February 17, 1986, due to the holiday.

Water District Annual Meeting 2/24/86

Present: Michael Guernsey, Board of Health.

On the recommendation of the Executive Secretary, the Board expressed its support, subject to the cost being reasonable, of the Water District's plan to appropriate money at the Annual District Meeting, February 24, 1986, for additional monitoring wells to be installed on the south side of Route 20. Additionally, Board of Health member Michael Guernsey, recommended that the Water District request a recommendation from Dr. Chiang, consultant, in terms of where the monitoring wells should be placed.

Common Victualler & Entertainment Licenses
The Charcuterie, 525 Boston Post Road

Present: Building Inspector Joseph E. Scammon; Michael Guernsey, Board of Health; Applicants Elizabeth Kyle and Paul D. Johnson; and Ellen Lee, Mugar Group.

Chairman Fox convened a public hearing on the question of granting a Common Victualler License and Entertainment License to Elizabeth Kyle, Paul D. Johnson and Jane Yates, d/b/a The Charcuterie, at 525 Boston Post Road, Star Market Plaza, Unit 16, and, in conjunction with the foregoing, the question of granting a waiver of Condition #3 of the Selectmen's June 6, 1983, vote of approval of Site Plan 83-254, Sudbury Plaza Shopping Center, to allow a restaurant use.

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 Building Inspector, dated February 7, 1986, recommending approval;
- from the Board of Health, dated February 4, 1986, stating conditional approval;
- from the Fire Chief, dated February 3, 1986, stating no objection; and
- from the Conservation Commission (received today), dated February 8, 1986, indicating that a Covenant signed by Mugar, Inc., in 1983 states (Section 4, page 4) that Mugar shall not authorize any tenants to operate a restaurant on the premises until a septic system is constructed subsequent to the date of the Covenant (or a public sewer is installed). The Commission felt that because of the "sensitivity" of the adjacent wetland, food preparation establishments in addition to restaurants should not be an allowed use of this site. The Commission recommended disallowing the proposed use and suggested that the applicant meet with the Commission to discuss the same.

Chairman Fox stated that the Selectmen's vote of June 6, 1983, approving the Site Plan application of Carolyn J. Mugar, Sudbury Plaza Shopping Center, had been conditioned on several items, among which was the Board of Health's recommendation that precluded wet uses which includes restaurants.

Board of Health member Michael Guernsey stated that the Board of Health's conditional approval at this time is due to the reconstruction of the leaching field at the Sudbury Plaza Shopping Center, which took place subsequent to July of 1983. The other question raised was whether The Charcuterie is

considered a restaurant. The intent of the Board of Health (in 1983) was to restrict a "heavy user" restaurant with a lot of grease and a lot of Biological Oxygen Demand. Because the Charcuterie is mostly a take-out service, there will not be a lot of washing of dishes and cooking utensils; the Board of Health has determined that The Charcuterie would not fit into these categories; however, the Board of Health is requiring that an interior grease trap be installed and that there be no preparation of deep fried foods. Other conditions which the Board of Health have placed on it puts a limitation on the daily water usage (300g.p.d.), requires the installation of a water meter, limits seating capacity to 24, and that only paper products can be used. Mr. Guernsey indicated that the Health Director has determined that the quality of discharge from this facility would be no different than any other store going in there; therefore, on the issue of health, there is no reason not to issue the permit.

Responding to Chairman Fox, Mr. Guernsey stated that the Board of Health will deal with other restaurant applications on a case-by-case basis based on the particulars of the food service and the leaching field available. (The Charcuterie's license will be non-transferable.)

Chairman Fox recommended that the Board table action on this site plan for two weeks in order for the applicant to meet with the Conservation Commission to discuss the issues mentioned in the above-noted report. Ms. Kyle indicated her willingness to do so.

The Board directed the Executive Secretary to reschedule the above-noted applications for the Board's February 24 meeting.

Joint Meeting/Planning Board Articles

Present: Building Inspector Joseph E. Scammon; Lawrence L. Blacker and Harvey R. Peters, Board of Appeals; Lawrence Shluger, Board of Appeals Associate; Chairman Robert E. Verville and Thomas R. Patton, III, Sign Review Board; Chairman Morton L. Brond, John C. Drobinski, Thomas W. Phelps, Russell Kirby, and Lael M. Meixsell, Planning Board; and Planning Administrator Lee Newman.

Chairman Fox convened a joint meeting with the above-listed Town officials and Boards to discuss the Planning Board's submission of two articles for the 1986 Annual Town Meeting to amend the Zoning Bylaw, numbered 21 and 22.

86ATM Article 22 - Amend Article IX,V by adding new Section D, Signs

1) The following concerns were discussed and referred back to the Planning Board for further consideration:

- the length of time a sign can remain illuminated after closing of store or business (Section D,3,e/page 3), i.e., 11:00 p.m. for all signs to be off was agreed to by a majority of those present;

- the allowed display surface of a temporary window sign (Section D,6,f/page 5&6), i.e., 15% vs. 50%;

2) The following changes were discussed and agreed upon by the Planning Board:

- page 6 (6,h), and page 7 (8) replace the word "permitted" with the words "requiring a sign permit" after the first word "Signs".

- page 8, first paragraph, add the word "and" following "area;" and before "(f)".

86ATM Article 21 - Amend Article IX,V, Special Regulations, by deleting Sections A, B, C and N (Site Plan Approval, Off-street Parking, Vehicular Access and Landscaping) and by substituting new Sections A, B and C (Site Plan Special Permit, Design Review Board, and Parking Standards)

The Board of Selectmen advised that the new Sections A, B and C should, for voting purposes, be treated as three separate articles; however, the Planning Board indicated that it had given this considerable thought, and being that the three sections were interrelated decided to keep it as one article.

1) Concerns which were discussed and referred back to the Planning Board for further consideration are as follows:

Section A

- Page 2 & 6 - change "open space" to "unbuilt areas" or some other designation so as not to be confused with the Assessors' term for "open space";

- Page 4 - "site design standards" - Building Inspector expressed feeling of vagueness, especially in paragraphs a and c, therefore, difficult for his enforcement; Selectman Frost expressed concern that these areas were too restrictive and could result in litigation;

- Page 6 (section h continued from page 5). Add phrase explaining minimum width for fire access - Planning Board to discuss with Fire Chief;

- Page 6 & 7 (section i.1,2,3) re-think requirements for landscape buffers - have been reduced substantially;

Section B

The Selectmen did not unanimously support this section (creation of Design Review Board) of the article and therefore expressed concern regarding co-sponsoring the article with the Planning Board. Selectman Frost expressed strong opposition in that it impinges on a property owner's right to use his property.

Section C

Page 13, Parking Standards. Refers to Section IX,V,A,7 (page 8 of Section A) - adjust wording to be consistent. Page 8 says "Selectmen may

authorize a decrease in the number of parking spaces. . .", page 13 says "the Selectmen may increase the requirements of this section or grant relief. ."

Page 15, resolve differences in terminology section 2.b "the most intensive use" and section 3.a. "most nearly comparable use".

Page 17, #8, re-think parking spaces/seats in restaurant ratio.

Suggested changes which were agreed upon by the Planning Board are as follows:

Section A

- page 4, paragraph d. Correct punctuation by putting a comma after the word "system" and taking out the commas in the rest of the sentence.

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; Building Inspector Joseph E. Scammon; and John C. Drobinski, Planning Board.

Chairman Fox reconvened a public hearing, continued by mutual consent on February 3, 1986, of Site Plan 85-298 of Michael S. Vallerand and Victor E. Toscano, d/b/a Sudbury Kitchen and Bath Center, 333 Boston Post Road, Business District #2, owned by Michael S. and Angela Vallerand, for a second-floor addition.

The hearing was continued for 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.

Subsequent to the February 3 public hearing, the Board was in receipt of a communication dated February 7, 1986, from the Building Inspector indicating that Counsel's office had convinced him that there is case law that holds that if there is any non-conformity in the premises in any way, it is a non-conforming use, and requires a finding by the Permit Granting Authority before reconstruction or extension can take place (MGLc.40A, s.6).

Following a brief discussion, it was on motion by Chairman Fox unanimously

VOTED: To approve Site Plan Application #85-298 of Michael S. Vallerand and Victor E. 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, as shown on a plan entitled, "Plan of Land in Sudbury, Massachusetts, dated November 19, 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) an Order of Conditions under the Wetlands Protection Act by the Conservation Commission, if applicable;

- 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 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) 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) 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, or another 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) the granting of a Special Permit by the Board of Appeals for a non-conforming use;
- 13) the requirement specified by the Board of Health's report of January 23, 1986, that occupancy be limited to office and retail space only;

14) no building permit shall be issued until above-noted items 1, 2, 8, and 12, as specified by the Board, are complied with; and

15) no occupancy permit shall be issued until above-noted items 3, 4, 5, 6, 7, 9, 10, and 11, as specified by the Board, are complied with.

For the record, Mr. Thompson stated he had spoken to the Town Engineer relative to the question of changing the flood plain map reference in the Zoning Bylaw. It was the Town Engineer's opinion that the Bylaw should not be amended at this time, that the Building Inspector should continue to use the maps referenced - Topographic Plan of Hop Brook Area dated August 20, 1970, and A Zones of the Flood Insurance Rate Map (FIRM), rather than the Town's aerial photographs, since there are so few instances when this conflict will occur.

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

Present: Building Inspector Joseph E. Scammon; John C. Drobinski, Lael M. Meixsell, and Russell Kirby, Planning Board; Winthrop Fairbank, Sudbury Water District; applicant Ted Pasquarella, President of Chiswick Trading and Trustee of Paris Realty Trust, and Project Manager Frank M. Vana; Dr. Richard Stevens, Sudbury resident and former Board of Health member.

Chairman Fox convened a meeting for continued consideration of Site Plan 85-293 of Chiswick Trading, Inc., 490 Boston Post Road, Limited Industrial District #1, owned by Paris Realty Trust, for an office/warehouse building.

Executive Secretary Richard E. Thompson referenced the following reports:

- from the Planning Board, dated January 29, 1986, expressing concern about the traffic implications and the potential threat to the Raymond well fields, and recommending a traffic and environmental impact report;

- from the Town Engineer, dated October 10, 1985, recommending approval subject to the installation of speed bumps on the driveway and a stop sign with a stop line at the entrance to the Boston Post Road;

- from the Board of Health, dated October 11, 1985, stating two concerns from the environmental health standpoint - the subsurface disposal of sewage and soil and ground water contamination and, therefore, recommending postponement of a decision until there is a better understanding of the hydrology, environmental and public health impacts and the remedial action that may be necessary;

- from the Conservation Commission, dated October 1, 1985, indicating that an Order of Conditions is in process and that the Commission should be notified of any changes to the plan that may occur through the site plan process as the Order of Conditions will have to be modified accordingly; also, the Commission is concerned about any changes in the proposed use of the property that may involve non-warehouse activities or any future activities

that may involve the potential use of chemicals on the site, as use changes may affect the quality of the watershed feeding the Town wells;

- from the Building Inspector, dated October 31, 1985, recommending approval; and

- from the Fire Chief, dated October 11, 1985, commenting as follows: 1) plan shows a "dry hydrant" for fire department connection to the sprinkler system but a fire department sprinkler siamese connection is needed; 2) the sprinkler system must be designed and installed to NEPA (13) specifications and the plans must be approved by the Insurance Service Office or Factory Mutual before submittal to the Fire Department and the Building Department; 3) if the applicant wishes to connect to the municipal fire alarm system plans must be submitted to the Fire Chief and all expenses regarding connection paid for by the applicant; and 4) the fire access road (gravel) must be maintained in passable condition at all times.

Mr. Thompson stated that since the last meeting, the Planning Board has stated it still feels that Boston Post Road access is not suitable; also, it requests that the facade of the building be all brick to eliminate the warehouse look. Mr. Thompson referenced a communication dated February 10, 1986, from Planning Board member John C. Drobinski, submitted as a private citizen, stating four areas of major concern relative to this site plan.

Chairman Fox stated that the public hearing on this site plan had been continued by mutual consent on February 3, 1986, for the purposes of voting only, but that Dr. Richard Stevens, resident and former member of the Board of Health, who had been unaware of last week's scheduled hearing, had asked to be heard this evening. Chairman Fox asked Dr. Stevens to make his statement.

Dr. Stevens stated some past history of the land. In October of 1985, a member of the Planning Board had asked him to examine a water analysis report that was performed at a number of sites on the Chiswick property. The initial report was sent to Ted Pasquarella and dated April 29, 1985. This report clearly indicated that there was a potentially very serious hazardous waste problem at this site. At first he felt there might be a mistake but he contacted Health Director Michael Sullivan to see what he thought about the analysis. According to Massachusetts General Laws the owner of a site that has a contamination of hazardous materials must notify DEQE immediately, and the penalties for not doing so are severe; he said that the Health Director had not been notified by Chiswick six months after that April report of this situation.

Also in October, he formally requested the Board of Health to verify the water analysis, but no independent water sample analysis has been taken by the Board of Health since October.

Dr. Stevens stated he did not come tonight to criticize but to deal with this potentially very serious problem. By the company's own consultant, original lab work shows high levels of Methylene Chloride and acetone on this site. Dr. Stevens suggested that, if any proposal for construction is considered on this site, the three following actions should be initiated:

- 1) extensive studies to determine the extent of contamination;
- 2) sources of contamination must be found and eliminated; and
- 3) clean up must be done rapidly in order to prevent danger to Town wells.

Dr. Stevens felt it was not appropriate at this time, not knowing the extent of the problem on that site, to continue to discuss the site plan; he suggested the site plan be postponed until extensive water and soil analyses have been carried out and the data determined. He stated his understanding that Coatings will be leaving Town by August 1, 1986, that they are still discharging Methylene Chloride and acetone into the water around the property; therefore, he stated, it is not possible to ever clean up this site (for which Coatings is responsible) unless this particular company ceases this operation. He felt the Board of Health should begin to do independent analyses of the water and if money is the problem then the Selectmen should be addressing the financial aspects of it rather than discussing the site plan.

Board of Health member Michael Guernsey reiterated what he had stated at last week's hearing, that he and the Health Director, along with representatives of Chiswick, had met with the DEQE. Their discussions included what Dr. Stevens is suggesting:

- 1) in the area of construction extensive studies would be done - it will cost \$21,000 for the lab fees alone. Based on that analysis, Chiswick would present to DEQE and the Town before, during and after construction, exactly what they are going to do with the soil excavated and any ground water; also, once the site is built, there would be conditions to allow for cleaning any ground under the building so that the building would not have to be torn down and monitoring wells and access wells would be installed.

Mr. Guernsey stated that the DEQE has been actively involved. No building permit will be granted until all these conditions are met, and the DEQE and the Board of Health are satisfied. He could not see how this relates to holding up the site plan. The Board of Health and the DEQE are satisfied that all requirements are being met by Chiswick. If the site plan is denied there is no incentive for Mr. Pasquarella to pay for this clean up; it is not from his property or from the Sudbury Skating and Tennis Club, or from Raytheon; it is from Coatings.

Mr. Guernsey reiterated that from the Board of Health's point of view there is no reason to tie up the site plan; he said it will be ten years before anything will be done on that site if Mr. Pasquarella doesn't do it.

Responding to Chairman Fox, Mr. Guernsey stated that nothing will be done in terms of construction until a plan is approved by the DEQE and the Board of Health that states what is going to happen to the contaminated soil and water when excavated.

Chairman Fox, speaking to Mr. Drobinski, stated that Mr. Pasquarella is willing to spend serious dollars to clean up the site and that he had doubts that Coatings would do it. Coatings, he stated, is leaving Town and he

wondered how willing they would be to test the site and to clean it. Hopefully, the DEQE would force them to do it but it will not be done in a timely manner. It will have to be proven in court that there is a causal relationship from Coatings that contaminated the ground at Chiswick's. He felt the present owner has money invested in the site and would be more willing to clean it up.

Mr. Drobinski stated that under c.21E, although it is clear that Chiswick did not contaminate the property, as owner of the property, he is responsible for cleaning up the contamination. If he does not, DEQE can do the work and bill him for the clean up.

Following further discussion on that subject, the fact that it is unknown what the gradient is on the property, that the contamination could migrate to the Town well area on Raymond Road, and whether this property is included in the major recharge area of the Town, Mr. Drobinski stated that the the Selectmen have to decide what is paramount - 1) the public health of the entire Town or 2) whether to allow someone to develop his commercial piece of property.

Mrs. Joyce Fantasia, 15 Willard Grant Road, expressed extreme concern over the fact that Trichloroethylene had been found in the monitoring wells on Route 20 and stated she has been buying bottled water ever since. She stated she has been unable to get answers from the Water District regarding what was being done about it, how often the water is monitored, what is the source, etc.

Regarding this site plan, she stated, there are two goals which should be treated separately: 1) protecting our aquifers; and 2) approval of a commercial development. In her opinion, the more money this developer puts into studies and the more money he invests into that land, the stronger his argument - his right to continue with his goal to develop.

Chairman Fox argued that no matter how much money the developer invests in the property he will not be able to begin construction until his plan is approved by both the State DEQE and the local Board of Health.

Mrs. Fantasia stated her opinion the the DEQE did not have a good track record. She continued to say that she sees this as a very serious problem, and that there is a great danger of disturbing what is already there. She felt digging might open up new access for contaminate to flow into the water table or our aquifers. She felt there should be a wide-scale assessment of what is happening and develop a plan to do something about it. She did not see it as reasonable to tie that into a site plan approval. She was concerned that contamination under the building and under the septic system would also be a serious problem that has to be dealt with.

Resident Judith Cope, Plympton Road, former member of the Conservation Commission, stated her concern over the past ten years with this property and said her first concern is the water quality and the health and safety of her family and the people in this Town.

Dr. Stevens pointed out that the amount of Methylene Chloride that was found is 11 times over safety and that we are not talking about a little problem - it is a very serious problem.

Planning Board member Mike Meixsell stated he did not share the same optimism of Mr. Guernsey in his approach to solving the problems on this site.

Water District Executive Secretary Winthrop Fairbank stated the problem of this big source of pollution had "passed over our heads for many years". He questioned how they could "attack" the problem.

Planning Board member Russell Kirby stated concern that no one knows how far the contaminants have migrated from the Chiswick property; he felt that anything that the owners of that parcel might do could, at best, be only a partial or temporary solution. He suggested that the Selectmen heed the advice from the floor this evening. He felt that if the owners fulfill their agreement, as they have offered, and clean up that particular parcel and begin to disturb the soil it could cause a secondary effect. No one knows the effect of the problem, how much of a geographic area has been contaminated or which way it is migrating. Selectmen should use extreme caution and be as conservative as they possibly can be in this regard - "we are talking about a very valuable resource for this community".

Selectman Donald stated that the Selectmen could deny this site plan but she rejects that alternative in the interest of hastening the clean-up process. She felt comfortable with what Chiswick is proposing so long as it is monitored by the DEQE and the Board of Health.

Mr. Kirby expressed his opinion that if the people in Sudbury knew their water was threatened they would vote to appropriate whatever they needed for the problem.

Mr. Drobinski stated that no one is asking the Selectmen to deny the site plan but merely to postpone it so that it can be determined what is going on.

Selectman Frost stated everyone is very concerned and agreed with Selectman Donald's reasoning that, in the essence of time, it would be better to grant the site plan approval and keep the clean-up going. He also pointed out that only 40% of the site will be disturbed, that 60% will remain undisturbed.

Mr. Vana reiterated some of the information regarding the testing and proposed methods of dealing with any contaminants found on the site which had been explained last week.

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

VOTED: To approve Site Plan 85-293 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 another 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, the Conservation Commission, the Fire Chief and the Board of Health, dated October 10, October 1, October 11 and October 11, respectively;

17) no building permit shall be issued until above-noted items 1, 2, 8, 12, 14, 15, and 16, 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.

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

The Board signed the plan.

Speakers/Positions/86ATM Articles

Following discussion, it was on motion unanimously

VOTED: To designate speakers for Annual Town Meeting articles by liaison assignments;

and it was further

VOTED: to take positions to be printed in the warrant on all articles, as follows:

To support Articles #14, #20 at \$20,000, #22, #23 subject to Town Counsel's comments of February 10, 1986, #26 at \$40,000, #29, and #32.

To oppose Articles #19 (and recommend that the Town Engineer withdraw), #24, #25, and #27.

To hold on Articles #5, #21, #28, #30, and #31.

To report at Town Meeting on Articles #15, #16 and #17, because the public hearing will be held after the Warrant has gone to press.

There being no further business to come before the Board, the meeting was adjourned at 11:45 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk