

IN BOARD OF SELECTMEN
MONDAY, JANUARY 6, 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 85-35/Raymond Road

Present: Carole McManus, Boston Edison Company.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered Utility Petition 85-35 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:

Raymond Road - westerly approximately 258 feet north of Warren Road, a distance of about 20 feet - conduit.

Executive Secretary Richard E. Thompson noted that all appropriate abutters and Town officials had been notified and that a favorable joint communication, dated January 3, 1985, had been received from the Building and Wiring Inspectors.

It was on motion unanimously

VOTED: To approve Utility Petition 85-35, as described above, and as shown on plans entitled, "Plan of Raymond Rd., Sudbury, Showing proposed location customer conduit", dated November 26, 1985, and "Plan For Proposed Conduit Location To Accompany Petition of New England Telephone and Telegraph Company", dated December 31, 1985.

Accept Land Management Reports

Following review, it was on motion by Selectman Donald unanimously

VOTED: To accept land management reports from the Conservation Commission and the Park and Recreation Commission, dated December 26 and December 3, respectively.

FY1986 Transportation Improvement Program

It was on motion by Selectman Frost unanimously

VOTED: To note receipt of and support the draft FY1986 Transportation Improvement Program 1986-1990, dated December 1985, as it relates to the Town of Sudbury, prepared by the Central Transportation Planning Staff under the direction of the Metropolitan Planning Organization.'

Executive Secretary Richard E. Thompson called the Board's attention to the fact that the design plans for the Route 20 widening project are listed as

being 75% complete; also listed are plans for several intersection improvements by the State, plus the Sherman's Bridge Project.

Chairman Fox stated that the Selectmen will review the TIP Sudbury projects with representatives from Congressman Atkins' office Monday, January 13.

Accept Articles/86ATM

Following discussion, it was on motion by Selectman Donald unanimously

VOTED: To accept the following articles for the 1986 Annual Town Meeting, submitted under the December 31st deadline:

- Hear Reports
- Temporary Borrowing
- Accept Ch. 293 of the Acts of 1985 - Liens: Septage Billings
- Accept G.L.Ch.40, sec. 4H - Bid Law Exemption
- Sudbury 350th Anniversary Celebration Fund
- Stabilization Fund
- Use of Free Cash
- Regional Solid Waste Disposal Study
- MetroWest Planning Funds
- Budget
- Unpaid Bills
- Reduce Borrowing Appropriation - Art. 19, 1980ATM
- Walkways: Planning & Eng. - Goodman's Hill, Fairbank, and Boston Post Roads; Construction - Peakham Road
- Roof Study/Engineering Funds - Curtis, Noyes, Haynes, Nixon, Fairbank and Loring
- Street Resurfacing - portions of Union Avenue, Concord Road
- Walker Land - Goodman's Hill Road
- Powers Land - Peakham Road
- Transfer to Conservation Fund
- Accept Ch. 663 of the Acts of 1983-Transportation of Certain Sch.Pupils
- Library Automation
- Appropriation of Library Fine Receipts
- Town Pool
- Resurface Tennis Courts
- Toddler Park
- Featherland Parking Lot

Proclamation

It was on motion unanimously

VOTED: To issue a proclamation in honor of the Lincoln-Sudbury football team - 1985 Super Bowl Champions.

Note: The proclamation will be presented by Chairman Fox next Monday, January 13, at a banquet for the team in Maynard.

Line Item Transfer Request/Law

Following a brief explanation and on recommendation by Town Counsel Paul L. Kenny, it was on motion unanimously

VOTED: To approve Line Item Transfer No. 86-10, dated December 17, 1985, to transfer the entire balance from Account 503-255 Law Contracted Services to Account 503-210 Law General Expense, as an accounting measure to close out 503-255.

Site Plan 85-297/Arden B. MacNeill, Jr., 102 Dutton Road

Present: Mr. and Mrs. Arden B. MacNeill, Jr., and Atty. James K. Jacobs; Building Inspector Joseph E. Scammon; Historic Districts Commission member Louis H. Hough; and Residents: Lily A. Gordon, 60 Dutton Road; Joyce and Paul Yaffe, 133 Dutton Road; Sandra E. Wilensky, 28 Dutton Road; Mary Elizabeth Winter, 71 Dutton Road; Lawrence J. Maroni, 123 Dutton Road; Philip M. St Germain and Antonia St Germain, 35 Dutton Road; Judith Cheren, 181 Dutton Road; Mrs. McGovern, 925 Boston Post Road; Jean R. MacNeil, 137 Dutton Road; Marci D. Chapman, 61 Dutton Road; and Bette S. Lehman, 265 Dutton Road.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan 85-297 of Mr. and Mrs. Arden B. MacNeill, Jr., for property located at 102 Dutton Road, zoned Residential C-1, for the renovation of an existing building and parking for a day care center named Carding Mill Children's Center.

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 Town Engineer dated January 2, 1986, recommending conditional approval - concerns regarding parking, mainly that the number be reduced to twelve (from the proposed maximum of forty) based on teacher/student ratio; access drive be a minimum of 20' wide; erosion and sediment control measures be taken during construction; and landscaping;

- from the Planning Board, dated January 6, 1985, recommending approval conditioned on recommendations of other boards, recommending a landscape screen on the outside of the proposed chain link fence, and assuring that the proposed use is in accordance with the deed restrictions placed on the property by the Trustees of Wayside Inn, recorded in the Middlesex South Registry of Deeds in Book 7714, Page 20;

- from the Fire Chief, dated December 26, 1985, recommending disapproval for various safety-related inefficiencies and a subsequent report dated January 6, 1986, recommending approval due to corrections in the plan which addressed his concerns - provisions for a 20' paved driveway; the access road to continue past the building but from the bridge on it will be open only to emergency vehicles; and pond water to be used for firefighting, if necessary;

- from the Conservation Commission, dated December 31, 1985, requiring a Wetlands Protection Act request for Determination of Applicability and

possibly a full Notice of Intent depending on whether there will be work at the stream crossing or within wetlands;

- from the Board of Health, dated December 30, 1985, conditioning approval on 1) the living areas and kitchen must be eliminated, 2) a day care license must be issued by the health office; and 3) the well water must be tested annually; and

- from the Building Inspector, dated January 3, 1986, recommending approval and indicating that a special permit will be necessary.

On behalf of the applicant, Atty. Jacobs explained the site plan proposal; mainly, the renovation of an existing house, which currently contains a two-bedroom apartment which is occupied, located on a 66-acre parcel of land owned by Arden B. MacNeill, Sr., 102 Dutton Road, for the purposes of opening a day care facility for up to thirty-three children between the ages of 15-months and 4 years, 9 months. Atty. Jacobs stated that a special permit will be required from the Board of Appeals. Atty. Jacobs further stated that the property had been used about fourteen years ago for a Massachusetts Audubon Camp. He explained some of the details of the site plan with regard to parking, access, etc.

The following concerns and questions were discussed:

- On the question of whether a special permit would run with the land, Chairman Fox stated it would not and that the land could not be re-zoned from residential to commercial without a 2/3 vote of Town Meeting.

- On the question of the house being altered to the point that it could be considered a "hardship" to be used as a residence in the future, Chairman Fox stated the alteration could come under the category of "self-inflicted hardship" and, therefore, no consideration given.

- Strong objection was expressed because of anticipated increased traffic on Dutton Road, an already heavily-traveled country road with high speed traffic.

- Strong objection was expressed for the safety of the children because of the close proximity of the water to the building. Atty. Jacobs stated that the children could be escorted into the building and that the play area is fenced-in behind the building.

- There was a question of aesthetics, the property being in the Historic District - proposed use of chain link fence; also, additional parking.

- Concern was expressed that more will be done than what is actually allowed under this site plan, i.e., one abutter stated that a developer had cut down many more trees than anticipated behind her house.

- There was a concern about the noise generated from the children, particularly because of sound traveling over the water.

- Regarding the extent of alteration of the exterior of the building, Atty. Jacobs stated it would be minimal - access road repaired, parking will be kept down but would like to reserve the right to come back for additional parking if needed (also noted was that grass area could be used for temporary parking). Atty. Jacobs also stated that the owner will put in a landscape screen to reduce the visual impact of the parking area.

- Many abutters felt it was an inappropriate use of a residential area in an Historic District.

- One opinion was expressed that property values would be reduced because of this "commercial" use.

- Some controversy expressed on the need for another day care in Sudbury, and concern that parents are generally "trustworthy" in assuming that day cares are safe places for their children - it being a general feeling that this site was not safe for reasons already mentioned (traffic/water).

- Question of "use" restrictions on deeds when properties were conveyed by the Trustees of the Wayside Inn.

- Question was raised regarding future increase in student population. Chairman Fox stated that was governed by Board of Health. Atty. Jacobs stated there were no plans to enlarge the building.

- Chairman Fox responded to one abutter regarding her comment that this land is subject to flooding, by indicating that any construction in wetlands would be controlled by the Conservation Commission, but that no exterior enlargement construction is being asked for under this site plan.

At the conclusion of comments from abutters Mr. MacNeill commented that this is a unique setting for a day care facility, that with the right staff and correct management, it will be a professional enterprise which will be a positive contribution to the town.

Following discussion by the Selectmen, it was on motion unanimously

VOTED: To deny approval of Site Plan 85-297 of Mr. and Mrs. Arden B. MacNeill, Jr., 102 Dutton Road, based upon insufficient safety and convenience of vehicular movement, particularly in and out of driveway, and also based upon unsafe pedestrian movement within the site, namely, the existence of water on both sides of the pathway to the building, creating a great hazard for small children.

During the hearing Selectman Frost had to leave to attend a Planning Board meeting and did not participate in the vote.

Probable Well Site/Raymond Road

Present: Winthrop H. Fairbank, Executive Secretary, Sudbury Water District; Conservation Commissioner Frances Clark and Coordinator Deborah Montemerlo.

Chairman Fox noted receipt of a communication dated January 2, 1986, from Winthrop H. Fairbank, Executive Secretary of the Sudbury Water District, requesting permission from the Selectmen to lay a gravel access across Town land to evaluate a new well site on Raymond Road, and, subsequently have an 800' radius of land surrounding the well site transferred from the Town to the District if tests are favorable.

The Conservation Commission has granted permission for the construction of a gravel access over Water District and Town land for the purpose of further evaluating a well site off the west side of Raymond Road. Because the Wetlands Protection Act restricts the local Commission from allowing over a maximum of 5,000 square feet of fill or cover of wetlands for any purpose, and because the Water District needs approximately 8,800 square feet of land filled to construct a road and facility area suitable for a permanent well site, permission for the same was denied.

Mr. Fairbank was optimistic about the DEQE approving the District's application that requests the exception to the 5,000 square foot regulation because it is for a public water supply.

Responding to the Chairman, Town Counsel stated that a vote of Town Meeting is required to transfer the 800' easement; the Selectman cannot authorize this transfer on their own motion.

It was on motion by Selectman Donald unanimously

VOTED: To grant permission to the Sudbury Water District to lay a 2X12X285 foot gravel surface across Town land for the purpose of proceeding with the evaluation of a new well site off the west side of Raymond Road and, in the event that testing is favorable, to refer to Town Counsel the District's request to have an 800 foot radius of Town land around the well transferred to the District for the purpose of preparing a Town Meeting article and related documents.

Because the Town's major source of water is in the Route 20 area and as a matter of precaution in the event of a major disaster, such as an oil spill or leak which could affect the water supply in that area, the Board again expressed concern to Mr. Fairbank and encouraged continued well exploration in other areas of Town.

Mr. Fairbank commented, in part, that the District's land in the Raymond Road area is a huge storage reservoir, that there is enough water there to provide the Town with water for a year without any rain! He later responded to Selectman Frost that the Pratts Mill Road well site would be developed.

Mr. Fairbank stated four primary sources of possible domestic water contamination as cited by the DEQE: railroad tracks, Route 20, gasoline stations, and small industry. Selectman Frost expressed his opinion that the #1 primary concern is the gasoline stations along Route 20 because of the potential for leakage from underground storage tanks, not with spills because the DEQE has developed more thorough methods for clean-up procedures.

Responding to the Chairman, Mr. Fairbank stated that Dr. Chiang's report may be forthcoming this month, and that he would provide the Selectmen with about a dozen copies.

Selectman Frost, at the suggestion of Mr. Fairbank, stated he would speak to the Fire Chief, since he is the first responder, regarding Mr. Fairbank's suggestion that "flash boards" be built in the Edgell Road area to block the stream from flowing to the well field areas should a spill occur on the road.

Fiber Optic Cable - Raytheon/Western Union

Present: J. D. Spautz, Right-of-Way Specialist, Western Union.

Continued from December 16, was the question of granting permission to Raytheon Company to attach fiber optic cable to existing utility poles 1) from Raytheon Company plant on Boston Post Road, Sudbury, easterly along Boston Post Road and northerly along Union Avenue and Concord Road to the Concord Town Line, as shown on a plan entitled, "Bedford to Sudbury", page B-6, and 2) from Raytheon Company plant on Boston Post Road, Sudbury, easterly along Boston Post Road to the Wayland Town Line, as shown on a plan entitled, "Sudbury to Wayland", page B-7, to transmit communication data between its plants; said cable to be owned by Raytheon Company and installed by Western Union Telegraph Company; all cable to be installed above-ground, with the exception of connections from Route 20 to the Sudbury plant; and further the question of granting permission to Western Union Telegraph Company to install a fiber optic cable of its own along the same routes to serve its customers; said cable to be lashed to the Raytheon Co. cable requested above.

The above matter had been tabled pending further information from Mr. Spautz on the question of whether Western Union would be willing to financially assist the Town in its efforts to get all cables underground on approximately 9/10 of a mile along Route 20, hopefully at the same time that the road is widened by the State. The Selectmen are planning to seek financial assistance from Raytheon, the utility companies, and Adams-Russell, as well as committing itself to this effort.

Relative to the above, Mr. Spautz stated he had discussed the matter with the engineers at Western Union and other authorized personnel but was unable to get a commitment from Western Union at this time because the cost was prohibitive (approximately \$100,000). However, he stated that Western Union would be willing to cooperate with the Town when it actually makes this transition.

Mr. Spautz went on to say that he had also spoken to both Boston Edison and New England Telephone who will also be willing to cooperate when the time comes, and that he had also tried to reach the consultant who is handling the project for the State.

Chairman Fox asked for a commitment now in anticipation of defraying the cost of putting cables underground when the road is widened with the idea that everyone sharing the cables plus the Town should pay their share. Chairman Fox stated that if Western Union wants to take advantage of the use of the

poles, which are already overloaded, that it would only be fair to ask that they pay for a share of it.

Chairman Fox referenced the Fire Chief's letter of December 12, 1985, commenting that, if necessary, the Sudbury Fire Department will move fire alarm cable unless specifically agreed to otherwise by the Fire Chief, and stipulating the costs for moving cable.

On the question of indemnification regarding liability there appeared to be no real problem or question that could not be resolved.

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

VOTED: To continue this meeting to a date uncertain for further investigation of the cost of installing the cables underground along Route 20.

Chairman Fox directed Mr. Thompson to contact Route 20 co-ordinator John E. Murray on this issue, to contact Representative Hicks and Senator Cellucci, and stated that the Board is meeting with representatives of Congressman Atkins' office next week and will discuss the issue at that time as well.

Streetlights

Present: Highway Surveyor Robert A. Noyes.

Chairman Fox convened a meeting with Highway Surveyor Robert A. Noyes relative to the Board's vote of September 30, 1985, designating types of street lighting, specifically, only incandescent lighting in the historic areas and mercury vapor in all other areas, at the discretion of the Town Engineer and the Highway Surveyor.

Highway Surveyor Robert A. Noyes stated that the Selectmen's vote to change from incandescent to mercury vapor would increase his budget by approximately \$3,388 every year. He went on to say that the utility company wants the Town to change all incandescent and mercury vapor to high pressure sodium and this, he stated, would save the Town approximately \$12,000 annually.

Mr. Noyes stated that Boston Edison is willing to put up some high pressure sodium lights in different locations on a trial basis, and remove them if there is strong objection from the residents. Otherwise, the idea will be to gradually change over to high pressure sodium lighting. He stated that other area towns are making the commitment to change over 100% to high pressure sodium as well. Mr. Noyes added that incandescent lights are becoming obsolete and, therefore, it is difficult to get replacement lights when needed.

Chairman Fox stated his original decision was based on his impression that high pressure sodium lights would be like those on the Massachusetts Turnpike but on assurances by Mr. Noyes that they would not be, he expressed

his willingness to change his mind on an experimental basis at various locations, especially because of the cost savings.

After further discussion, it was on motion unanimously

VOTED: To concur with the Highway Surveyor's January 3, 1986, recommendation:

Incandescent Lights recommended for Immediate Change:

- 1 - 2500 Inc. pole #29/44 at Union & Concord Roads
- 2 - 10,000 Inc. poles #18/51, 18/56, Route 20 at King Philip and Route 20 at Massasoit;

Note: The above vote is subject to the location of the lights not being in a historic district.

And on a trial basis five high pressure sodium at the following intersections:

- Route 20 at Horse Pond Road
- Pratts Mill Road/Horse Pond Road/Peakham Road
- Haynes Road and Pantry Road
- Highway Garage and
- street light nearest Beth El on Hudson Road

Communication/Route 20 Widening

The Board acknowledged receipt of a communication from Jane West, 235 Goodman's Hill Road, dated January 2, 1986, giving reasons for her strong objections to the proposed widening of Route 20. The Selectmen agreed to bring up some of her points at their meeting with representatives from Congressman Atkins' office at the Selectmen's meeting next Monday, January 13.

Press Release/Selectman Fox

Chairman Fox submitted a press release stating that he is not a candidate for re-election in the March 31, 1986 Election.

Ephraim's/Special Request to Extend Hours

Following a brief discussion relative to a telephone request from Tom Kennedy of Ephraim's Restaurant, it was on motion by Chairman Fox unanimously

VOTED: To approve the extension of alcoholic beverages serving hours for Ephraim's Restaurant, on Sunday, January 12, 1986, until 1:00 a.m. on January 13, for a private Christmas party for employees only.

Article 1/86ATM

The Selectmen agreed with the recommendation of Council of Aging member Donald Oasis that Col. Paul J. Leahy, Chairman of the Council, be the honorary speaker at the 86ATM and read Article 1.

TP#188/Crystal Lake Drive (FO4)

The Board directed the Executive Secretary to contact Michael Cournyn relative to his interest in TP#188/Crystal Lake Drive (FO4) and that, if he were no longer interested, the property be advertised for sale.

There being no further business to come before the Board, the meeting was adjourned at 10:30 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk