

IN BOARD OF SELECTMEN
MONDAY, APRIL 27, 1987

Present: Chairman Anne W. Donald and David A. Wallace.

The statutory requirements as to notice having been complied with, the meeting was called to order at 7:10 p.m. at the Lincoln-Sudbury Regional High School Library.

Joint Meeting with Goodnow Library Trustees and Council on Aging

Present: Board of Library Trustees George D. Max (Chairman), Ivan Lubash, Kenneth Ritchie, Martha Clough, Carol Hull; Council on Aging members Dr. Donald Oasis, Karl Clough, Eleanor Guerin.

It being 7:10 p.m., Chairman Donald called to order a joint meeting with Goodnow Library Trustees and Council on Aging to discuss Article 15 relative to acquisition of funds for building a Senior Citizen Center.

Chairman of the Library Trustees George D. Max advised those present that on Wednesday, April 22, 1987, the Goodnow Library Trustees met with members of the Council on Aging to exchange views and indicate concerns about the transfer of library property for the purpose of building a Senior Citizen Center. Mr. Max expressed his belief that the meeting ended after forthright discussion without any resolution. Mr. Max further stated that prior to that meeting, and prior to reading the opinion rendered by Town Counsel in memorandum dated April 17, 1987, it was the Trustees' unanimous vote--with reservation on the part of two individuals--to offer a conciliatory solution. Subsequent to the April 22 meeting, the Library Trustees held an emergency meeting on Friday, April 24, 1987, which resulted in the submission of its letter dated April 27, 1987. Said letter from the Library Trustees to the Board of Selectmen set forth the Trustees' position that, "...we may not commit future Boards of Library Trustees by relinquishing the land that they will certainly need in the future in order to provide library services to all the people of the Town of Sudbury, which is in consonance with the word and intent of John Goodnow's will and the Town resolution of 1862."

Mr. Max stated that the situation had been discussed with several possibilities, including building onto the library a joint facility, but the Trustees rejected that due to perceived joint tenancy problems. The Trustees came to the conclusion that they could not commit future Library Boards to give up land that might be needed in future years.

Dr. Donald Oasis of the Council on Aging noted that the joint meeting referred to by Mr. Max had ended, to his understanding, with the agreement that the the Council on Aging will work with the Library Trustees to find an acceptable site, and that the Trustees would think about the situation and would get back to the Council.

Selectman David A. Wallace pointed out that there were approximately 3.94 acres for consideration and urged the Library Trustees to consider just how much would be needed for the needs of the library. Dr. Oasis added that the Council's main goal is to place a building on that land and that they are less

concerned with the looks of the building. Dr. Oasis explained that the reason for the Council's steadfast pursuit of this land is that the Council could find no better location in the Town that would provide a centralized location. Although one of the Town's schools was proffered as a location, Dr. Oasis explained that, due to the location of the schools on a neighborhood basis rather than a centralized one, none of the schools would be satisfactory. He further expressed the opinion of the Council that the Town's senior citizens deserve a new building, since they have spent a lifetime contributing to the building of the library, the churches, the schools and playgrounds.

Selectman Wallace clarified that the Warrant Article's intent is not to lock in a location at this time, but to provide the funds to plan a Center for the senior citizens.

Executive Secretary Thompson recommended that the Board of Selectmen, the Goodnow Library Trustees and the Council on Aging jointly support Warrant Article 15, so that the \$10,000 can be voted. Site location can be thereafter discussed and resolved. Mr. Thompson expressed his opinion that the position expressed by the Board of Library Trustees as outlined above is unfair and that further negotiation and discussion should take place, with a solution reached in the next couple of months. He reported that on this date he caused the land behind the library to be tested by the Board of Health and has been informed that it will hold a septic system.

In response to an inquiry by Selectman Wallace, Mr. Max stated he could not specify how many additional square feet the library would require for needs of the Town in future years.

Town Counsel Paul L. Kenny stated that he believed it is important to read his opinion in light of its intent. He explained that he could have written the opinion to say that once the library was built, the rest of the land would be for other town purposes. He did not take this position, however, because he felt it would be unfair to lock the Trustees into relinquishing this land at that early date; but it is clear that there is some point in time where the Trustees must determine the needs of the library and relinquish the remainder. Attorney Kenny believes that the Trustees may not hold onto the land merely because they do not wish to bind future Trustees for future speculative purposes; but they must make a reasonable, factual determination of the needs of the Library in order to comply with the terms of the Will of John Goodnow.

Chairman Donald inquired as to whether there existed a formula the Trustees may turn to in order to assess the Town's present and future needs. Mr. Max acknowledged there are minimum standards established, but the Trustees would need time to consider all factors and make such a determination. He pointed out that, when the addition was being planned, the Trustees, in an effort to keep costs low, applied the minimum standards at that time, which has resulted in the present space being inadequate.

Carol Hull expressed her concern that the Article not appear to the townspeople that approval of the \$10,000 would mean approval of the building being located on the Library property. Selectman Wallace assured those present that it will be made clear at Town Meeting that approval for the building of a Senior Citizens Center is not necessarily for the Library land.

Executive Secretary Thompson concluded the meeting by stating that if there is joint support by all for this Article, he and the Board of Selectmen will assist all parties in achieving a fair and beneficial resolution of site location for the Center.

It was thereupon

VOTED: To support Town Meeting Article 15 to raise and appropriate \$10,000, to be expended under the direction of the Council on Aging, for planning and design studies for a senior center.

(Board of Selectmen: Chairman Anne W. Donald, Aye; Selectman David A. Wallace, Aye. Board of Library Trustees: Chairman George D. Max, Aye; Ivan Lubash, Aye; Kenneth Ritchie, Aye; Martha Clough, Aye; Carol Hull, Aye. Council on Aging: Dr. Donald Oasis, Aye; Karl Clough, Aye; Eleanor Guerin, Aye.)

Utility Petitions of Boston Edison Company and N. E. T & T

UP87-12 - Marlboro Road

Present: Carole McManus, Boston Edison Company; Catherine Lynch; Francis Lynch; John Meachen.

The Board reviewed the petition of New England Telephone and Telegraph Company and Boston Edison Company, for the location of four poles, one pole with guy wire and anchor on Marlboro Road. Abutters Catherine and Francis Lynch questioned the location of the poles and Boston Edison representative Carole McManus explained there were no poles in that area and four new houses were being built, necessitating the new poles. Ms. McManus further explained that the curvature of the street lends itself to criss-crossing the poles, and that is why they are being placed as indicated on the plan.

Executive Secretary Thompson submitted communications dated April 22, 1987 from Inspector of Buildings Joseph E. Scammon and Wiring Inspector Warren E. Boyce, recommending approval of said petition. Mr. Thompson explained to Mr. and Mrs. Lynch that pursuant to the Town's Bylaws, the Board cannot require underground wiring for a subdivision of only four houses.

After discussion, on motion of Selectman Wallace, it was unanimously

VOTED: To permit New England Telephone and Telegraph Company and Boston Edison Company to erect or construct, and a location for, poles, and such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line, to be used in common by them upon, along and across the following public way of the Town: Marlboro Road - northwesterly side from a point approximately 511 feet southwest of Morse Road - Four poles (Guy wire and anchor on the fourth pole); as shown on plan of Boston Edison entitled "Plan of Private Property And Marlboro Rd. Sudbury", dated March 11, 1987.

UP87-11 - Concord Road

The Board reviewed utility petition of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay approximately eight feet of conduit on Concord Road for Michael Harrity, owner of the property

at 1074 Concord Road who has changed the existing overhead electric service to underground electric service.

Executive Secretary Thompson submitted communication dated April 22, 1987 from Inspector of Buildings Joseph E. Scammon and Wiring Inspector Warren E. Boyce, recommending approval of said petition.

After discussion, on motion of Chairman Donald, it was unanimously

VOTED: To permit Boston Edison Company and New England Telephone and Telegraph Company 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: Concord Road - southeasterly approximately 4,858 feet northeast of Pantry Road, a distance of about eight feet - conduit; as shown on plan of Boston Edison Company entitled, "Plan of Concord Rd.-Sudbury", dated March 11, 1987.

Resolution '87ATM Re: Moritorium on Subdivision/Sewage Treatment Plants

Executive Secretary Thompson submitted to the Board for its review an opinion dated April 24, 1987, from Town Counsel addressing questions raised by the Board of Health and Conservation Commission as to the authority of the Board of Health in approving or disapproving the use of sewage treatment plants in subdivisions; i.e., can the Board of Health place a moratorium on the use of such plants as proposed in a resolution prepared for action at the upcoming Town Meeting. Town Counsel's opinion states the Board of Health does not have such authority, as the DEQE has authority over the installation of sewage treatment plants; however, the local Board of Health still must issue a Disposal Works Permit under Title 5.

MAGIC Meeting

Chairman Donald reported that she attended the MAGIC meeting and its representatives were pleased to learn that Sudbury had voted \$5,000 to its use. Chairman Donald reminded the Board that MAGIC is meeting in Sudbury on May 21, 1987, with MetroWest in the Lower Town Hall.

Article 22A - Meeting with Planning Board and Industrial Development Commission

Present: Guy Busa, HMM Associates; Industrial Development Commission members Kenneth Ritchie and Joseph Dudrick; Route 20 Task Force members James McKinley, Frank Vana; Planning Board members Morton Brond, Russel Kirby; Town Planner Lee Newman.

It being 7:50 p.m., Chairman Donald called to order a joint meeting the Industrial Development Commission and the Planning Board to discuss Articles 22A and 22B relative to Research District #1 (Sperry Land, etc., Downzoning).

James McKinley of the Route 20 Task Force introduced Guy Busa of HMM Associates and stated that they are well into Phase 2 of the Traffic Study. Mr. McKinley presented a graph which represents the results of their assessment of the current traffic in the subject area by depicting the vehicles-per-hour (V.P.H.) during "p.m. peak hours". The graph is a trip-generated matrix for a research and development facility.

Executive Secretary Thompson reminded those present that the last position of the Planning Board was to hold with the joint recommendation reached April 8, 1987, and recommended that the Board of Selectmen also maintain that joint recommendation.

Those present were in agreement with the recommendation of Mr. Thompson and Russell Kirby of the Planning Board concluded the discussion by stating that the graph submitted represents figures that deal only with the volume of traffic on Route 117 plus the traffic generated by a research and development company. It does not take into account growth of the area, changes in Maynard or Waltham, etc.; thus, the Town would do well to follow the joint recommendation.

It was therefore

VOTED: To present the figure of 1,450 square feet as the allowable gross square footage of building area per acre, under Article 22A, as previously set forth in vote of April 8, 1987 by the Board of Selectmen, Planning Board and Industrial Development Commission.

In consideration of the Town Meeting commencing this evening and there being no further business to come before the Board, the meeting was adjourned at 8:10 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk