

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 2, 1987

Present: Chairman Josiah F. Frost, Anne W. Donald and David A. Wallace.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Chairman Frost.

HMM Contract - Phase 2, Traffic Study

On the recommendation of the Executive Secretary as a result of discussions with Susan LaTour of the Rt. 20 Task Force and HMM Associates, Inc., it was on motion

VOTED: To amend the vote of January 26, 1987, relative to an amendment to the proposed contract between the Town and HMM Associates, Inc. for Phase 2 of the Traffic Study, by deleting b) which would provide for Selectmen review of reports or memoranda generated by HMM Associates before distribution.

Minutes

It was on motion by Selectman Donald unanimously

VOTED: To approve the minutes of the regular session of January 26, 1987, as amended, and the executive session of January 26, 1987, as drafted.

Transfer Request

It was on motion by Chairman Frost unanimously

VOTED: To approve request no. 87-50, dated January 28, 1987, for transfer of \$1,000 from Acct. 502-110, Engineering Salaries, to Acct. 502-310, Engineering Maintenance, to cover equipment repairs completed and anticipated.

Site Plan Special Permit 86-300/BayBank Kiosk (Sudbury Plaza)

The Board noted receipt of two additional communications relative to placement of the automatic teller machine kiosk to be constructed by BayBank at the Star Market Plaza: letter from BayBank Attorney John C. Powers, dated January 20, 1987, relative to placement of the kiosk; and letter from W. Scott McSween, BayBank Vice President and Regional Manager, stating that the type of kiosk building to be used will be moveable.

It was noted also that BayBank has constructed similar moveable kiosks in Everett and Waltham.

Agreeing that all concerns relative to the proposed location of the kiosk are now resolved, the Board directed the Executive Secretary to so notify all concerned parties.

Entertainment License - 99 Restaurant

Noting that the trial grant of an Entertainment License to the

99 Restaurant, 698 Boston Post Road, for a disk jockey on Friday and Saturday evenings, was subject to review at the end of January, and upon receipt of comments from the Building Inspector, Health Director, Fire and Police Chiefs stating that there had been no problems connected with the issuance of this license, it was on motion unanimously

VOTED: To approve the continuance of the Entertainment License granted to the 99 Restaurant for a disk jockey on Friday and Saturday nights, from 8:30 p.m. to 12:30 a.m., until December 31, 1987.

Drainage Easement - Algonquin Oaks Subdivision

It was on motion unanimously

VOTED: To sign acceptance of a drainage easement, to be given upon the acquisition of the property by Kenneth Moore, d/b/a M. C. Moore and Son, on Lots 5 and 6 shown on a plan entitled "Definitive Subdivision of Algonquin Oaks - Sudbury, Mass.," dated July 31, 1986, revised November 3, 1986, by Colburn Engineering, Inc., located on the northerly side of Pratts Mill Road.

Sale of Town Land to Algonquin Council, B.S.A.

Executive Secretary Richard E. Thompson informed the Board that the closing on the sale of Town land off Pratt's Mill Road, by authority of the 1985 Annual Town Meeting vote under Article 23, to the Algonquin Council, Boy Scouts of America, Inc. (B.S.A.) is expected to take place this week, with immediate transfer of the property to Kenneth Moore who will develop the Algonquin Oaks Subdivision.

Therefore, it was on motion unanimously

VOTED: To sign the deed on behalf of the Town of Sudbury relative to the transfer of Tract 006, shown on Town Property Map H06 and located off Pratt's Mill Road, to the Algonquin Council, Boy Scouts of America, Inc., in accordance with the 1985 Annual Town Meeting vote under Article 23.

Mr. Thompson noted that the \$47,000 resulting from this sale and the \$37,500 resulting from sale of the Crystal Lake Drive parcel last July would be available to the Conservation Commission to replenish the Conservation Fund for FY88 with Town Meeting approval.

Special Town Meeting

It was on motion by Chairman Frost

VOTED: To call a Special Town Meeting and open the Warrant therefor, said Special Town Meeting to be held within the Annual Town Meeting on Monday, April 6, 1987, at 8:30 p.m., in the auditorium of the Lincoln-Sudbury Regional High School; and to close the Warrant on Friday, February 20, 1987, at 5 p.m.

It was on motion by Chairman Frost

VOTED: To accept the following articles for inclusion in the Warrant for the April 6, 1987 Special Town Meeting:

- Approve LSRHS Indebtedness for Building Renovations/Equipment	(\$595,000)	LSRDSC
- Petition Legislature to Authorize LSRDSC to Incur Debt for Outside Facilities		LSRDSC
- Approve LSRHS Indebtedness for Improving Outside Facilities	(\$155,000)	LSRDSC
- FY87 Budget - Salary Adjustment	(\$10,000)	Selectmen
- FY87 Budget - Health Insurance	(\$20,000)	Selectmen
- FY87 Budget - Town Insurance	(\$26,000)	Selectmen

The Board signed the Selectmen's articles and approved the reports as presented.

Annual Town Meeting

On recommendation of the Planning Board and Town Treasurer, it was on motion by Chairman Frost unanimously

VOTED: To accept withdrawal of Article 37, Amend Zoning Bylaws, Art. IX, III, E, 4, (f) - Flood Plain District, submitted by the Planning Board; and to withdraw Article 3, Compensating Balance Agreements, submitted by the Board of Selectmen.

Site Plan 86-303, Terrio Realty Trust, 339 Boston Post Road

Chairman Frost opened the Site Plan Special Permit hearing, continued from January 5, 1987, on application 86-303 of Donald Terrio, Terrio Realty Trust, for property at 339 Boston Post Road, BD#2, for a 2½-story addition to an existing store.

The Board noted receipt of a letter, dated January 29, 1987, from applicant Donald E. Terrio advising the Board of the current status of the revision process, and requesting a continuance to the next meeting of the Board after March 10, 1987, to allow action by the Board of Appeals on the application for variance from sections V.C.9.b and V.A.6.d of the Zoning Bylaws.

It was on motion by Chairman Frost unanimously

VOTED: To continue Site Plan Special Permit Hearing on application 86-303 of Donald Terrio, Terrio Realty Trust, for property located at 339 Boston Post Road, to March 16, 1987, at 8:30 p.m., by mutual consent.

Warrant Reports - Board of Selectmen

After discussion, it was on motion

VOTED: To approve Warrant Reports, as amended, for Board of Selectmen Articles, as follows:

- Art. 2 Temporary Borrowing
- Art. 8 Street Acceptances
- Art. 9 Mt. Pleasant Cemetery
- Art. 10 Landfill Upgrading

Art. 21 Civil Service, Police
Art. 23 MetroWest/MAGIC Planning Funds
Art. 24 Enterprise Funds
Art. 42 Free Cash

Relative to Article 23, MetroWest/MAGIC Planning Funds, the Board considered the suggestion of Morton Brond, Planning Board representative to MetroWest, as voiced by Selectman Donald, that the funds requested in the article be increased, and it was on motion unanimously

VOTED: To increase the funding requested under Article 23, MetroWest/MAGIC Planning Funds, to \$10,000 to be evenly divided between MetroWest and MAGIC.

The Executive Secretary was directed to notify the Finance Committee of this change.

Mr. Thompson informed the Board that Articles 34 and 35, Establish Traffic Committee and Undergrounding of Utility Wires, c.884 of the Acts of 1969, respectively, submitted by the Board of Selectmen on behalf of the Rt. 20 Task Force, have not been finalized.

Assistant Town Counsel David Doneski clarified for the Board that M.G.L. c.166 need not be accepted by the Town, but under that statute the Town is authorized to adopt two types of bylaws dealing with underground utilities: a bylaw prohibiting any new installation of overhead wires and structures, and a bylaw which would require utility companies to remove their existing overhead facilities. The statute sets forth procedures relative to implementation of these bylaws, including passage by Town Meeting.

Mr. Thompson noted that the Task Force may only wish to seek a consensus of Town Meeting relative to the undergrounding of utility wires.

The Board indicated its support of Articles 1, 2, 4, 6, 7 (new amount of \$250,000), 8, 9, 12, 13, 14, 21, 23, 24, 25, 26, 27, 28, 29 and 36.

The Board indicated its opposition to Article 22, Amend Zoning Bylaws, Art. IX,II,C - Delete Research District #1, submitted by petition relative to the Sperry property of Rt. 117 and expressed its intent to co-sponsor an article jointly with the Planning Board to down-zone the property instead. Mr. Thompson put forth some examples as to how this would be accomplished and stated that the Town of Concord has expressed opposition to the proposed rezoning of the District to residential. The Board affirmed that zoning should provide for diversity within the community; that this is a good location for a Research District; and that residential zoning with its inherent automobile traffic in this area would be more detrimental than that associated with a down-zoned Research District. Mr. Thompson noted that the Planning Administrator would contact HMM Associates to obtain any available data from its traffic study in this area. The Board noted that it would be meeting with the Planning Board on February 9 for discussion relative to this article and articles submitted by the Planning Board.

The Board held taking a position on Articles 5, 10, 11, 15, 16, 17, 18, 19, 20, 30, 31, 32, 33, 34, 35, 38, 39, 40, 41, 42 in order to allow

finalization of the Articles themselves or to allow discussion to take place with the proponents of the Articles.

The following speaking assignments were agreed upon:

Chairman: Articles 2, 4, 6, 7, 8, 9, 12, 14, 25, 26, and 27;
Selectman Donald: Articles 13, 23, 28, and 29;
Selectman Wallace: Articles 21, 24 and 36.

Meeting with Conservation Commission

Present: Chairman Gordon D. Henley, Adam B. Ames, J. S. Yeo, Frances H. Clark, Stephen Sandler, Robert A. Lancaster, Cynthia C. Powell, Coordinator Deborah Montemerlo, Conservation Commission.

Conservation Commission Chairman Gordon D. Henley summarized the status of the Warrant Articles submitted by the Board and discussion ensued, as follows:

Art. 17, Conservation Fund Addition. If the amount, which was derived from the funds the Town received or is to receive from the sale of open space parcels on Crystal Lake Drive and off Pratt's Mill Road, is approved under the budget article, Article 17 will be indefinitely postponed by the Conservation Commission. The Board stated that it would support funding of the Conservation Fund in the amount of \$85,000 only as a Conservation Commission budget line item under Article 5.

Art. 18, Special Act, Land Bank Fund. Mr. Henley explained that formation of a Land Bank is a two-step process: 1) requiring legislative approval in the first instance of the Home Rule Petition and, assuming this approval is granted, 2) requiring Town Meeting approval of a Bylaw to establish a Land Bank and a Land Bank Commission to administer the law.

Mr. Henley stated that submittal of Sudbury's Home Rule Petition is primarily designed to pressure the legislature to focus on providing for a state-wide Land Bank. Such a bill has been filed in the legislature, which is under pressure to act in this area since it currently has fourteen home rule land bank petitions before it, with the prospect of twenty-two more to come. If state-wide legislation is passed, Sudbury would have to accept that legislation and enact its own Bylaw accordingly.

This first step - submittal of the Home Rule petition - does not commit the Town to a program. The Town would be keeping all its options open, including those to choose percentage rates, to eliminate the tax for first-time buyers, to set a time frame for review of the bylaw for continuance.

Responding to a query from Chairman Frost as to how revenues would be affected vis a vis state aid under Proposition 2½, Ms. Montemerlo stated that, as it now stands, any revenue produced by a Land Bank tax would reduce the amount of state aid in direct proportion; however, it is conceivable that the legislature might choose to exempt this revenue from the tax cap.

The Selectmen had opposing opinions on whether the Article should be as detailed as is the draft before them, but agreed that, although there were technical problems with the draft, there should be a first-step to allow discussion of the concept.

The Board was in agreement that land purchase itself should ultimately be the choice of Town Meeting as it is presently.

Mr. Henley stated that the article as drafted was a collection of things the Commission thought were the best, but would take the Selectmen's comments into consideration and prepare a revision for the Board to review.

Art. 19, Update Topo & Wetlands Survey/Remapping. Ms. Montemerlo stated that \$20,000 is the projected cost based on quotations the Commission had obtained. The update would revise the text and maps which they are using now and there would be no additional costs.

Art. 20, Purchase Dickson Land. Mr. Henley stated that as of last week, the Legislature had not approved funding for the Self-Help program, but that the Commission had been exploring alternative funding. Ms. Montemerlo noted that interest has been shown by the Sudbury Valley Trustees and by the State, which regards the property as a key piece in the Greenbelt Program.

The Commission stated that it is co-sponsoring Article 36, Cluster Zoning, with the Planning Board.

Selectman Donald stated that she was concerned that the Cluster Zoning Article, as presently before the Board, seems to give the Board of Selectmen no option but to accept open space which is given to the Town under the provisions of the Bylaw, when in fact that might not be desirable. The Board was in agreement that language should be included in the Article to allow a mechanism for review by the Board of Selectmen of the disposition of the open space involved in the application at the beginning of the process.

Selectman Donald stated that she would also like a clarification as to whether the setbacks as stated in the Cluster Zoning Article pertained to accessory buildings.

Mr. Henley stated that the Commission had met with the Park and Recreation Commission relative to the Park and Recreation Land Transfer Articles. The Conservation Commission is not opposed to the selling of open space but expressed its opposition at the meeting to the selling of open space to fund things other than open space, and was of the opinion that the Park and Recreation Commission agreed. They reported that the Commissions had discussed the grant of a conservation restriction on the parcel containing the pond and noted that there is a possibility that the Middle Road parcel might be transferred to the Conservation Commission rather than sold since it has been found to be all wetland.

Executive Secretary Richard E. Thompson informed the Commission that a letter had been sent by the Board of Selectmen to the Chairman of the Marlborough Planning Board, relative to the Fafard Company Rezoning Proposal for a portion of Rt. 20 in Marlborough, requesting that no action be taken on the proposal until there has been review by Sudbury Town officials and the

MetroWest Growth Management Committee and an Environmental Impact Statement has been completed. Mr. Henley stated his intention to send a copy of the letter to the Marlborough Conservation Commission.

Bicentennial Planning

The Board noted receipt of a letter, dated January 20, 1987, from Governor Michael S. Dukakis relative to the completion of an application for recognition as a Bicentennial Community in celebration of the 200th anniversary of the signing of the Constitution of the United States and to appointment of a committee to plan commemorative activities.

On the recommendation of the Executive Secretary, it was unanimously

VOTED: To refer the Governor's communication and Bicentennial Community application to the Sudbury Historical Commission and request that Commission to serve as the planning committee for the purposes of commemorative activities.

Regional Dispatch Center

Present: Police Chief Peter Lembo

The Board acknowledged receipt of a communication, dated January 28, 1987, from Fire Chief Michael Dunne concerning a study, funded by a State (Executive Office of Community Development) grant to the Town of Concord in the amount of \$10,000, on the feasibility of a regional dispatch center including the towns of Carlisle, Concord, Lincoln, Maynard and Sudbury. Chief Dunne's letter noted that a request for proposal for the hiring of a communication's consultant would be reviewed and advertised shortly and that he would keep the Board apprised of the status of the project.

On the question of whether the study should include Police dispatching, Police Chief Lembo stated that he did not think it would be feasible or compatible. Selectman Frost added his opinion that he was strongly opposed to such inclusion as that was the factor which resulted in failure of the last attempt to form a regional center some years ago.

The Board expressed their unanimous support of the ongoing activities.

Sudbury River Diversion

Selectman Donald reported that the Sudbury River Citizens Advisory Committee (SCAC) is urging the towns involved to support a resolution to be presented to the State opposing any draw-down of the Sudbury River. The Board was in agreement that Mrs. Donald should put forth the resolution on Town Meeting floor. The Executive Secretary suggested that comments should be obtained from the Town's consultant on water issues, Dr. Edward Chiang.

MMA Legislative Conference

The Board directed the Executive Secretary to inform the Massachusetts Municipal Association that members would not be attending the Legislative Conference because of the high registration fees, which are felt to be

unwarranted in light of the facilities available, and because the nature of the agenda seems to be more of a forum for political presentations which are less than constructive or meaningful.

Land Transfer - Lot 14 Clifford Rd.

It was on motion unanimously

VOTED: To designate the Chairman, on behalf of the donee Town of Sudbury, to sign IRS Form 8283 acknowledging receipt of property from donors Philip and Santa Jean DeSantis relative to deed dated November 28, 1986, for property known as Lot 14 Clifford Road.

Highway Snow and Ice Removal Funding

In response to a letter from Highway Surveyor Robert A. Noyes, dated January 29, 1987, it was on motion by Selectman Frost unanimously

VOTED: To approve expenditure by the Highway Surveyor of \$30,000 in excess of appropriations under Acct. 410-120, Highway Snow & Ice Overtime, for FY87 snow and ice removal, under the provisions of M.G.L. c.44, §31D.

It was noted that of the \$26,900 which the Board had previously approved on January 5, 1987, just over \$2,000 remains.

Executive Session

At 9:45 p.m., with the agreement of grievant Earle D. Ryder and his attorney, Carol Calliotte, it was on motion by roll call unanimously

VOTED: To go into Executive Session for the purpose of discussing a grievance pursuant to Clause (3) of M.G.L. c.39 §23B.

(Chairman Frost, aye; Selectman Donald, aye; Selectman Wallace, aye.)

The Chairman announced that public session would not reconvene following the Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 10:00 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk