

IN BOARD OF SELECTMEN  
MONDAY, NOVEMBER 2, 1987

Present: Chairman Anne W. Donald, David A. Wallace and John C. Drobinski.

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

Utility Petitions 87-30 and 87-31 - Codjer Lane and Union Avenue Conduit

Present: Carole McManus, Boston Edison Company.

The Board reviewed Utility Petitions 87-30 and 87-31 by Boston Edison Company and New England Telephone and Telegraph Company for approximately eight feet of conduit to be installed in Codjer Lane and eight feet of conduit to be installed on Union Avenue, both to provide service to the Dental Arts Building under construction. Boston Edison Company representative Carole McManus explained that the conduit would run into the building from the two different locations because of the "kitty-corner" placement of the building.

Executive Secretary Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector under date of October 27, 1987.

On motion of Chairman Donald, it was unanimously

VOTED: To approve Utility Petition 87-30 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay and maintain a distance of about eight feet of conduit under the following public way of the Town: Codjer Lane - southerly approximately 111 feet east of Union Avenue; as shown on plan of Boston Edison Company entitled "Plan of Codjer Lane Sudbury", dated September 15, 1987; and New England Telephone and Telegraph Company's "Plan for Proposed Conduit Location", N.E.T.&T. Co. No. 87-16, dated October 22, 1987; and it was further

VOTED: To approve Utility Petition 87-31 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay and maintain a distance of about eight feet of conduit under the following public way of the Town: Union Avenue - southerly at Codjer Lane; as shown on plan of Boston Edison Company entitled "Plan of Union Ave. Sudbury", dated September 15, 1987; and New England Telephone and Telegraph Company's "Plan for Proposed Conduit Location", N.E.T.&T. Co. No. 87-15, dated October 22, 1987.

Minutes

On motion of Selectman Drobinski, it was unanimously

VOTED: To approve the minutes and Town Forum Transcript of October 26, 1987, as presented.

Reserve Fund Transfer Request No. 88-10 - Selectmen's Administrative Salaries

The Board reviewed Reserve Fund Transfer Request No. 88-10 for transfer of \$890 to Account 501-110, Selectmen's Administrative Salaries. Executive

Secretary Thompson explained the transfer amount is to cover the increase in salary to Budget Analyst Terri Ackerman when Mrs. Ackerman was reclassified from Grade 8 to Grade 9, Step 5, effective July 1, 1987, and is moved to Grade 9, Step 6, on November 10, 1987.

Executive Secretary Thompson recommended approval and the Board was unanimous in its praise of Mrs. Ackerman's performance during her first year of employment with the Town.

It was on motion of Selectman Wallace unanimously

VOTED: To approve Reserve Fund Transfer Request No. 88-10, dated October 22, 1987, for transfer of \$890 to Account 501-110, Selectmen's Administrative Salaries.

#### Building Department Surplus Vehicle

Executive Secretary Thompson informed the Board that on October 20, 1987, he forwarded a memorandum to the various departments of the Town, notifying them that the 1973 Chevrolet Sport Van currently in the possession of the Building Department is available for interdepartment transfer and requesting any department's interest in such transfer be expressed prior to November 2, 1987.

There being no interest expressed by any department for the transfer of the Sport Van, it was on motion of Chairman Donald unanimously

VOTED: To authorize the sale by sealed bid of a 1974 Chevrolet Sport Van, which is no longer needed by the Building Department and not wanted by other departments; and to request Executive Secretary Thompson to take whatever steps are necessary to effectuate same.

#### Selectmen's Five-Year Capital Expenditure Plan

The Board reviewed its Five Year Capital Expenditure Plan last year. Mr. Thompson explained that he was in a bit of a quandry as to what the Board should submit this year because of the Town's and School's ongoing space studies. He stated that he has met with the Long Range Planning Committee and its consultant, and that Committee is considering the options of using either Town Hall or the Horse Pond Road building (which is not owned by the Town) for Town offices. Following the meeting, the Committee stated that they would now study the possibility of using the Nixon School building.

Mr. Thompson pointed out that at present all financial operations are housed at Nixon School building, as is the Treasurer's Office. It is Mr. Thompson's opinion that the Nixon building is viable space for centralizing the Town's offices and it is his recommendation that the Town continue to work toward that goal. His reasons for this are twofold: (1) it economically makes sense to have all Town offices in one location; and (2) it would provide better access to Town offices by the townspeople and handicapped persons.

Upon inquiry by Chairman Donald, Mr. Thompson stated that the Long Range Committee report will not be available for a few months. He believes that some preliminary reports will be in soon, but the Committee cannot

realistically make a final analysis until the School Department study makes its determination of its needs.

In conclusion, Mr. Thompson pointed out that a priority consideration in all this space discussion should be to address and resolve the continuing problems of the Fire Department space at Central Headquarters.

After discussion, it was on motion of Chairman Donald unanimously

VOTED: To continue to support a plan of action which would enable all Town offices to be centralized in an accessible location to the townspeople; and to encourage the use of the Nixon Building for attainment of this goal.

Engineering Department - Bid for Plotter, Software and 86B Computer

Present: I. William Place, Town Engineer.

The Board reviewed letter dated November 2, 1987, from Town Engineer I. William Place summarizing the response of the Invitation To Bid advertised for a Plotter, Software and 86B computer. The purchase of this system, explained Mr. Place, would enable a limited number of engineers to do a greater amount of work.

After discussion, it was on motion of Chairman Donald

VOTED: To award the contract to supply one Hewlett Packard Plotter, Software and 86B computer to the Engineering Department to Wild Heerbrugg Instruments of 24 Link Drive, Rockleigh, New Jersey, for the total amount of \$9,855.00 (\$4,860.00 for the Plotter; \$4,995.00 for the Software; no additional cost for the 86B computer system).

Conservation Restriction - Thoreau Way

Following review, on motion of Chairman Donald, it was unanimously

VOTED: To approve the conservation restriction given by Robert W. Shoemaker, III, on land location at northerly terminous of Thoreau Way, DiBiase Farms Estate. [Whereupon the Selectmen signed their approval on the said deed.]

Library Trustees-Council On Aging - Joint Meeting

Present: Town Engineer I. William Place; Goodnow Library Trustees Aleta Cane, Carol Hull and Kenneth Ritchie; Marge Van Houten, Senior Center Director, and Jessie Cunningham, Senior Center Planning Committee; Dr. Donald Oasis, Council On Aging; John B. Hepting, Finance Committee; approximately twenty residents.

Chairman Donald convened a joint meeting with the Goodnow Library Trustees and the Council On Aging for continued discussion regarding a site for a new senior citizen center.

Marge Van Houten, Senior Center Director, began the discussion with an apology to the Library Trustees for the acrimony that has surfaced among those in favor of placing the Center on property currently held by the Goodnow

Library and those in opposition to that site. Mrs. Van Houten expressed her hope that the Board of Selectmen will be convinced, after presentation by Town Engineer Place of an initial site plan, and after this evening's discussion, to vote in favor of locating the Senior Citizen's Center on the Goodnow Library land. She concluded her opening remarks by urging the Library Trustees to move with the Council On Aging from the position of conflict that has been established to one of consensus, so that all might work together to develop the best plan possible for all Sudbury residents.

Mrs. Van Houten next reiterated the Council On Aging's process and criteria which led to its decision that the Goodnow Library land would be best suited for a Senior Citizen's Center. She further stated that the Council was understanding of the protectionist role that the Library Trustees must have, but feels that the siting of the Senior Citizen's Center at that location would not preclude further expansion of the Library, if the need arises. Mrs. Van Houten pointed out that the proposed plans for the Center include a multi-purpose room, which would be readily available to the Library for its use; and arrangements could be made to house ancient documents in a section of the Senior Center. The additional parking could be shared with the Library. The communities of Framingham and Mansfield, she stated, have such a shared arrangement and they have found it to be mutually beneficial.

Town Engineer I. William Place presented a preliminary site plan prepared by his office, taking into account the various constraints given by the Council On Aging's "Wish List". These factors included construction of an eight to ten thousand square foot building, southern exposure, and a site that would accommodate one hundred twenty-five senior citizens.

Mr. Place outlined the property as it now stands, pointing out the location of bituminous concrete, trees, drainage, and boundaries. He stated that the land contained silty sand and that one perc test has been done.

The first sketch Mr. Place exhibited showed a one-story 8,000 square foot building and parking for 47 vehicles. Mr. Place cautioned that there would be construction problems and added expense (such as heating and ventilation) because of the length of the building. Although physically possible, he did not recommend a building of that type.

The second sketch exhibited by Mr. Place showed a two-story 5,000 square foot building (10,000 square foot floor area). He suggested the parking spaces could be phased in over time, giving a total of almost 100 spaces in the future, if needed. He explained the first floor would be below ground and could be used for kitchen and storage area. The second floor would be ground level and could include a balcony overlooking a nice exposure. With this plan, he opined that the Library would be able to easily add almost 7,000 square feet in ground area to its present building, if it was necessary; as shown on his plan submitted under his cover letter to the Board dated October 28, 1987.

Mr. Place stressed that a more definite site plan would have to be prepared before it could be placed in the hands of an architect for his rendering. However, he did not believe this can be accomplished without additional ground water and soil testing, which he suggested could be done in Spring of 1988.

Goodnow Library Trustee Aleta F. Cane thanked Marge Van Houten for her conciliatory words, but reaffirmed that the Trustees feel strongly that they have an obligation, not only to this generation and its children, but to all future generations of all townspeople, not just one group. The Trustees' principal concern is that once this land is given up and developed, it is lost forever for future library expansion needs. Mrs. Cane stressed that the Library's position is not to oppose construction of a new Senior Citizen's Center--the Trustees, in fact, are very much in support of this--but to oppose construction of that Center on Library land that may be needed for expansion in the future. Mrs. Cane stated that the Trustees would have no objections if that land were left as "open space" or encouraged for use as a park. She concluded her opening remarks by asking the Board of Selectmen to take into consideration the position of the Library Trustees and vote to prohibit placement of the Senior Citizen's Center on that property, or to put it to a Town Vote and let the people decide.

Town Counsel Paul L. Kenny stated that he has thoroughly reviewed the Will of John Goodnow, who died in 1861, and while the Will may appear a little ambiguous, a strict interpretation of it is that the Library does not now have the right to say what the land will be used for; but likewise, the Board of Selectmen may not make such a determination either. Attorney Kenny quoted portions of the Will, including "...and whatever portion of said land shall not be needed for the purposes of said library building the said town of Sudbury shall have full power and authority to apply to any other town purposes but without any power of alienation." It is Attorney Kenny's opinion that once the library was built, the Town had the right to determine what to do with the rest of the land. He further explained that whenever the words "the Town shall...", it clearly means a decision of the townspeople by vote at Town Meeting.

Attorney Kenny stated the Board of Selectmen has the authority to place an Article on the Warrant for Town Meeting (annual or special).

Jessie Cunningham of 17 Singletary Lane stated she has learned that the Boston Public Library buildings contain a total of approximately 110,000 square feet of space. She mentions this fact to put in perspective the future needs of Sudbury to increase its space. She further stated that she is in favor of library expansion when needed, but does not feel the Senior Citizen's Center would be detrimental to those expansion needs of the Library.

Library Trustee Carol Hull stated that the Trustees are pleased to see the question go to Town Meeting for a vote by the townspeople.

John Hepting of the Finance Committee stated the Committee has no present opinion concerning this issue. As liaison, he had hoped the matter would be resolved without the necessity of having to make a recommendation; however, he believes it is now clear that there is no agreement between the parties even in principle and he will make arrangements to present the issue to the Finance Committee for their review. Mr. Hepting was pleased with the presentation by Town Engineer Place and hoped the recommendations by Mr. Place would be heeded.

Mr. Hepting further suggested that when the Council On Aging is negotiating a contract with an architect for plans, the Council make it clear that

there is a "cap" of \$10,000 as a total fee. The architect could then proceed in stages, so that the preliminary stage will produce sufficient material to submit to Town Meeting. If the vote carries, the architect may continue to provide his service and bill to a maximum of \$10,000. If the vote does not carry, the architect may submit his bill for services to date, which would be less than the \$10,000 budgeted.

Executive Secretary Thompson recommended the Board adopt the recommendations of Town Engineer Place and further, that the Board prepare and submit, as per Attorney Kenny's recommendation, an Article for the Warrant at Town Meeting, which would request the townspeople to decide whether the Library land should be used for location of a Senior Citizen Center. Mr. Thompson did want to make it clear that he is further recommending to the Board that they support said Article. He explained that all the reports he has seen and all the information he has received from many meetings have indicated the time to address the issue of the elderly is now. By the year 2000 demographers predict a 9% increase in the elderly, with the rest of the population remaining stable.

Selectman Wallace stated his understanding is that the Board has the option to take no action or to take the matter to Town Meeting. It is his feeling that there is sufficient controversy to warrant sending the issue to Town Meeting.

Selectman Drobinski expressed his disappointment that an agreement could not be worked out between the two groups involved.

In response to inquiry by Dr. Donald Oasis of the Council On Aging, Executive Secretary Thompson explained that the Article which would be prepared and presented by the Board of Selectmen would address the question of whether to transfer that portion of land presently held by Goodnow Library Trustees necessary for the construction of a Senior Citizen's Center. Another Article would have to be prepared by the Council On Aging addressing the actual construction of the Center.

In response to inquiry by Library Trustee Carol Hull, Attorney Kenny stated that the land, even if transferred to the Council On Aging by Town Meeting Vote, is never "lost forever" to any other Town group. At some future time, if the need is felt, the question could go back to Town Meeting as to who should hold the property.

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

VOTED: To adopt the recommendations of Town Engineer I. William Place that he conduct further testing on the Goodnow Library site to determine its suitability for construction and maintenance of a two-story, 5,000 square foot Senior Citizen's Center; to encourage the Council On Aging to utilize its available funds for a more in-depth analysis of the site by an architect who should also prepare preliminary plans and renderings; and to prepare and submit an Article to be placed on the Warrant for Town Meeting 1988 concerning the question of whether to transfer a portion of Town-owned land necessary for construction of a Senior Citizen's Center.

Before the meeting adjourned, Library Trustee Aleta Cane wished to make it clear that the Trustees do not see this as an issue concerning individuals and personalities. As townspeople, she said, the Trustees realize the need and care very much and support the idea of a Senior Citizen's Center. As Trustees, however, they feel it is their duty to protect the Library's future interests; and she feels they have done their duty in the best way they saw fit.

Site Plan Application No. 87-305 - Douglas Lewis, Tr. - Nine Old County Rd.

Present: Applicant Douglas Lewis; Building Inspector Joseph E. Scammon.

The Board continued public hearing to consider Site Plan application No. 87-305 of Douglas Lewis, Trustee, Old County Road Realty Trust, Nine Old County Road, Industrial District No. 12, for addition of a 5,000 square foot building for existing welding and fabrication shop; which application was received August 20, 1987, and continued by agreement from the October 19, 1987 hearing.

Executive Secretary Thompson noted receipt of the following:

1. Communication dated October 28, 1987, from Design Review Board, indicating that after review of final plan, that Board is satisfied with screening and recommends approval.
2. Letter dated October 22, 1987, from Fire Chief Michael Dunne, advising that he witnessed removal of a 10,000 gallon underground diesel oil storage tank at the subject property, and that the tank was dismantled on-site with his permission after it was cleaned.
3. Communication from Director of Board of Health Michael J. Sullivan indicating no change in his report submitted October 15, 1987.
4. Letter dated October 30, 1987, from Town Planner Lee Newman advising that on October 26, 1987, the Planning Board voted to recommend approval of the site plan, subject to the following conditions:
  - A. The Site Plan is modified to show the size and type of landscape stock to be provided in the landscape buffer area between the proposed building and Old County Road. The final landscape plan is reviewed and approved by the Design Review Board;
  - B. Drainage calculations are submitted to the Town Engineer for review and approval;
  - C. The existing house is subdivided off from the commercial portion of the lot so as to meet all zoning bylaw requirements established for the residential A-1 zoning district.
5. Letter dated October 30, 1987, from Town Engineer I. William Place, stating the following:
  - A. The date should be revised so that there will be no misunderstanding as to the approved plan;

B. He suggests that the proposed building slab be raised from elevation 134 to 134.25 to allow for positive drainage away from the building;

C. There appears to be an inadvertent 135 contour shown on the Plan which should be changed accordingly;

D. Preliminary soil tests indicate clay, silty sand and medium sand, with a water table between 5' + 5½'. Prior to the installation of the leaching basin, he would suggest that soils and water table be verified prior to installation;

E. The leaching basin should be placed above the spring high water table;

F. Based upon the preliminary soil information, it would appear that a minimum of two leaching basins will have to be installed.

6. Communication on November 2, 1987, from Inspector of Buildings Joseph E. Scammon, indicating that the following concerns, expressed in his letter dated October 17, 1987, have been taken care of:

A. Driveway is 24' wide;

B. Parking is adequate to meet applicant's needs for employees, etc.;

C. Handicapped space is provided;

D. Open space has been designated;

E. Landscaping is approved.

7. Letter dated October 19, 1987, from abutter Robert A. Waters, expressing, in summary, that he wishes to go on record as being in opposition to any expansion of facilities on the site, until objectionable items are remedied (see Minutes of October 19, 1987).

Applicant Lewis presented the Board with his revised Site Plan and it was duly dated October 20, 1987, for clarification.

Executive Secretary Thompson pointed out that abutter Robert Waters expressed some valid concerns as to the aesthetics of the property and Mr. Lewis assured the Board that he was and will continue to minimize the impact of his use of the property on his neighbors. Mr. Thompson advised Mr. Lewis that at some future time the Planning Board may request that property be better enclosed, and Mr. Lewis stated he understood this.

Following review, on motion of Chairman Donald it was unanimously

VOTED: To approve the architectural rendering for Site Plan Application 87-305 entitled "Garage Elevations", prepared for Lewis Realty Trust Sudbury, Mass., dated May 22, 1987.



Following discussion, it was on motion of Chairman Donald unanimously

VOTED: To approve Site Plan Application No. 87-305 of 9 Old County Road Realty Trust, for property located at Nine Old County Road, as shown on a plan entitled, "Site Plan for 9 Old County Road Realty Trust, Sudbury, Mass. Showing Prop. Building", by Environmental Restoration Engineering, Ashland, Mass., dated October 17, 1986, revised October 20, 1987, 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. approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer;
2. placement of all new utilities underground;
3. if water service is installed in building, extension of Sudbury Water District lines to the site by the owner; no wells for drinking water to be installed on the site;
4. the grant of an earth removal permit by the Earth Removal Board, if applicable;
5. approval of signs or advertising devices as required under the sign bylaw;
6. 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;
7. no use of salt or chemical deicers on site;
8. exterior lighting to be directed away from adjacent residences and have shields, if possible, or similar screening;
9. if applicable, 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;

10. 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;

11. as stipulated, and agreed to, in written reports, or otherwise,

A. from the Board of Health, dated October 15, 1987:

Item 1 - if there are to be people working on the premises (proposed building), as opposed to truck storage only, toilet facilities must be provided and a subsurface sewage disposal system installed in accordance with the Board's regulations;

Item 3 - MDC trap(s) must be installed to prevent the inadvertent discharge of oil into the ground water; and

Item 4 - no underground storage of fuel will be allowed;

B. from Town Engineer, dated October 30, 1987:

Item 2 - the proposed building slab should be raised from elevation 134 to 134.25 to allow for positive drainage away from the building;

Item 3 - the inadvertent 135 contour shown on the Plan should be changed accordingly;

Item 4 - prior to installation of the leaching basin(s), the soils and water table be verified; and

Item 5 - the leaching basin(s) should be placed above the spring high water table;

C. the layout for parking and other aesthetic improvements to be completed in accordance with the instructions of the Town Engineer;

12. no building permit shall be issued until certain items noted above (1 and 11) as specified by the Board, are complied with;

13. no occupancy permit shall be issued until certain items noted above (2, 3, 4, 5, 6, 8, 9, 10), as specified by the Board, are complied with.

14. this Permit shall lapse if a substantial use thereof has not commenced, except for good cause, within one (1) year from the effective date of said Permit.

The Board signed the plans.

Department of Public Works - Reimbursement of Town Expenditures

The Board reviewed for approval a Memorandum of Agreement from the Commonwealth of Massachusetts Executive Office of Transportation and Construction, Department of Public Works, Office of the Commissioner,

apportioning the amount of \$68,848.00 to the Town of Sudbury as reimbursement of documented expenditures under the provisions of General Laws, Chapter 90, Section 34, Clause 2(a) on approved projects on public ways under the State Aid Highways guidelines.

After discussion, it was on motion of Chairman Donald unanimously

VOTED: To approve and sign the above listed Memorandum of Agreement; and to request Executive Secretary Thompson return said executed Agreement to the District Highway Engineer for validation.

Massachusetts Interlocal Insurance Association - Annual Meeting

Upon recommendation of Executive Secretary Thompson, it was on motion of Chairman Donald unanimously

VOTED: To delegate the authority to vote on behalf of the Town at the annual business meeting of the Massachusetts Interlocal Insurance Association, to be held November 6, 1987, to Budget Analyst Terri Ackerman.

Minutes of the Meeting Held October 19, 1987

Executive Secretary Thompson advised the Board that he was contacted by Jeffrey Jacobson of 36 Maple Avenue concerning that portion of the Minutes of October 19, 1987, which relate to the meeting concerning Peirce Rose, Inc. Land - Longwood Retirement Associates. At the bottom of page 4 of said minutes, it was recorded that "Jeffrey Jacobson of 36 Maple Avenue expressed his opposition to the development." Mr. Jacobson has stated that this did not accurately reflect his opinion and requested the minutes be amended to reflect his opinion as follows: "Jeffrey Jacobson of 36 Maple Avenue raised certain questions relative to the project concerning overall size, number of congregate housing units, and number of nursing home units, etc."

On motion of Chairman Donald it was unanimously

VOTED: To amend the minutes of October 19, 1987, by deleting on page 4 thereof the words "Jeffrey Jacobson of 36 Maple Avenue expressed his opposition to the development."; and by inserting in place thereof the following: "Jeffrey Jacobson of 36 Maple Avenue raised certain questions relative to the project concerning overall size, number of congregate housing units, and number of nursing home units, etc."

Massachusetts Association of Vocational Administrators - Improvement Bill

On motion of Selectman Wallace, it was unanimously

VOTED: To acknowledge receipt of an informational letter from Massachusetts Association of Vocational Administrators, dated November 1, 1987, concerning Vocational Education Improvement Bill S-1826 (formerly S-271).

Executive Session

At 9:45 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session for the purpose of considering transactions in real property where open discussion may have a detrimental effect on such transactions.

(Chairman Donald, aye; Selectman Wallace, aye; Selectman Drobinski, 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 10:45 p.m.

Attest:

\_\_\_\_\_  
Richard E. Thompson  
Executive Secretary/Clerk