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IN BOARD OF SELECTMEN
TUESDAY, JULY 5, 1988

Present: Chairman David A. Wallace, John C. Drobinski, Judith A. Cope.

The statutory requirements as to time and place having been fulfilled, the meeting was called to order by Chairman David A. Wallace at 7:30 p.m. in the lower Town Hall.

Utility Petition Nos. 88-7a and 88-7b - Peakham Road/Hudson Road

The Board reviewed Utility Petition Nos. 88-7a and 88-7b submitted by New England Telephone and Telegraph Company and Boston Edison Company for relocation of a pole on Peakham Road and a pole on Hudson Road at the intersection of said roads. Chairman Wallace noted that said work was granted emergency approval by the Board on October 17, 1987, and that the work has been completed.

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 July 1, 1988.

On motion of Selectman Drobinski, it was unanimously

VOTED: To approve Utility Petition Nos. 88-7a and 88-7b of Boston Edison Company and New England Telephone and Telegraph Company for relocation of poles as follows:

Peakham Road - southeasterly side approximately 50 feet southwest of Hudson Road, One (1) pole; one (1) existing pole to be removed; as shown on plan of Boston Edison Company entitled "Plan of Peakham Rd. Sudbury", dated February 12, 1988; and

Hudson Road - northeasterly side opposite Peakham Road, One (1) pole; one (1) existing pole to be removed; as shown on plan of Boston Edison Company entitled "Plan of Hudson Rd. Sudbury", dated February 11, 1988.

Temporary Use Of House Trailer - 73 Woodside Road

Upon review of letter dated June 28, 1988, from Josephine Hertweck of 73 Woodside Road, requesting use of a house trailer on her property while her home is being repaired from damage caused by a fire, it was on motion of Selectman Cope unanimously

VOTED: To grant permission to Josephine Hertweck to use a house trailer at 73 Woodside Road for dwelling purposes for a period of six months while fire damage repairs are being made, in accordance with her request dated June 28, 1988, subject to obtaining a building permit for repair of the damaged home and to Board of Health approval involving the requirement to connect the trailer to septic system and water.

City of Worcester - Reimbursement Problems With the Commonwealth

The Board reviewed letter dated June 21, 1988, from City of Worcester Mayor Jordan Levy outlining reimbursement problems with the Commonwealth and informing that that City is looking into possible litigation for funding.

Executive Secretary Thompson reminded the Board of a similar letter regarding insurance problems which the City of Cambridge sent and recommended that the Selectmen respond to Mayor Levy as it did to the City of Cambridge.

It was on motion of Selectman Drobinski unanimously

VOTED: To acknowledge receipt of letter dated June 21, 1988, from City of Worcester Mayor Jordan Levy outlining reimbursement problems with the Commonwealth and informing that that City is looking into possible litigation for funding; to concur with the concerns expressed in said letter; and to express an interest to the City of Worcester to be kept informed of any action it may take, with a view to lending Sudbury's support for same.

Interline Item Transfers

It was on motion of Chairman Wallace unanimously

VOTED: To transfer \$1,000.00 from Account 503-210, Law General Expense, to Account 503-256, Law Legal Expense, to pay outstanding Fiscal Year 1988 bills for legal counsel.

The Board next considered request to transfer \$347.18 from Unclassified/Telephone to Unclassified/Communications. Executive Secretary Thompson reminded the Selectmen that this is the last year for having this account which centralizes communications equipment repairs of all departments in one account. Mr. Thompson explained that an exact amount for the account is not possible to predict, but that the account is usually around \$4,000.00. The FY88 budget was \$3,700.00.

It was on motion of Selectman Drobinski unanimously

VOTED: To transfer \$347.18 from Account 950-816, Unclassified/Telephone, to Account 950-809, Unclassified/Communications, for unpaid repairs.

Renewal of Group Accident and Health Insurance Advisory Agreement

The Board reviewed annual group accident and health insurance advisory agreement between the Town and John P. Foran Insurance/Employee Benefit Specialists, Inc. Executive Secretary Thompson reminded the Board that the Town has had this agreement for the past two or three years and that it has proved tremendously successful in providing Town employees the opportunity to consult with a disinterested expert when they have questions about their coverage. Mr. Thompson pointed out that this year the Town intends to take on two major projects: (1) bidding for life insurance; and (2) adopting a new insurance plan. In response to inquiry by Chairman Wallace, Mr. Thompson stated that Town Counsel's Office has reviewed the agreement and has approved it as to form. Chairman Wallace suggested that Town Counsel review the termination clause as it relates to pro-rata refunds.

It was on motion of Chairman Wallace unanimously

VOTED: To approve the annual group accident and health insurance advisory agreement between the Town and John P. Foran Insurance/Employee Benefit Specialists, Inc., at a cost of \$6,000.00; subject to Town Counsel's review of the termination clause of such agreement as it relates to pro-rata refunds.

Landfill - DEQE Requirements

The Board reviewed letter dated July 1, 1988, from Town Engineer I. William Place updating his May 27, 1988 letter concerning DEQE landfill requirements. Executive Secretary Thompson advised that he, Town Counsel and Town Engineer Place met in Woburn with DEQE officials and felt it was a productive meeting in that there was a consensus reached as to how to approach DEQE's directives. Town Counsel Kenny will review all materials, approve the agreement and return it to the Executive Secretary. The agreement will be subject to the two letters from Town Engineer Place and any other items he believes should be clarified, amended or deleted in the agreement.

Chairman Wallace expressed his desire to see one summary of all the materials, and Mr. Thompson assured him that the Town and DEQE are working toward one final agreement, which will encompass all relevant materials. Selectman Drobinski asked about the closing paragraph in Town Engineer Place's July 1st letter, wherein he states that to remove and replace material that has been in place over four years would cause great delay and expense to the Town; and further pointing out that approximately 1.5 acres of the 20+acre landfill has an impervious liner. Mr. Thompson stated that DEQE has recognized this and may relax their requirements because of the "oldness" of the subject.

After further discussion, it was on motion unanimously

VOTED: To authorize the Chairman to sign the Letter of Agreement with the Department of Environmental Quality Engineering dated May 10, 1988, subject to those communications of the Town Engineer dated July 1 and May 27, 1988, and any additions or deletions by Town Counsel.

Memorandum of Understanding Re: Recycling and Composting With Wayland

Upon review, it was on motion of Chairman Wallace unanimously

VOTED: To sign a Memorandum of Understanding with the Town of Wayland regarding intent to seek a joint program for recycling and composting, with the following changes: (1) Item 8, change the word "by" to "to"; and (2) to add two additional signature lines to allow the five Wayland Selectmen to sign the Memorandum.

Site Plan Special Permit Application No. 88-306 - Stanmar, Inc.

Present: T. J. Lenick of Stanmar, Inc.; Building Inspector Joseph E. Scammon.

Chairman Wallace opened a continued public hearing on the application of Stanmar, Inc., for a Site Plan Special Permit in accordance with the Town's Zoning Bylaws Article IX,V,A, for construction of a 1,564 square foot addition for office space to Building No. 1, Stanmar Office Park, 68 Old County Road, off Boston Post Road, Industrial District #11. Mr. Wallace explained that no action was taken at the hearing scheduled June 13, 1988 for two reasons: (1)

only two of the three Selectmen were present on that date and a decision required the vote of all three Selectmen; and (2) Mr. Lenick could not confirm that the Town Engineer had seen the Site Plan revision dated May 27, 1988, and had approved same.

Executive Secretary Thompson reported that notice of this continued hearing was published and posted, all boards and departments had been notified and received the revised plan, and Parties in Interest had been notified by mail. Mr. Thompson further noted receipt of the following:

1. Letter dated June 20, 1988, from Town Engineer I. William Place, acknowledging receipt of the revised site plan and stating that said revised site plan adequately addresses the issues raised in his letter dated May 23, 1988;
2. Letter dated June 30, 1988, from Health Director Robert C. Leupold, informing that a new septic system design prepared by Schofield Brothers, Inc. has been approved and further advising that approval of the addition must require installation of the new septic system prior to occupancy of the addition; said letter updates letter dated May 20, 1988, from Health Director Robert C. Leupold, stating the requirement of a new leaching area design or tie-in to existing systems, and further stating that if Building #1 is connected to another system that is adequate, a deed restriction must be recorded that states that Building #1 cannot be subdivided as a separate lot without an approved septic system on the individual lot;
3. Letter dated June 9, 1988, from Inspector of Buildings Joseph E. Scammon, recommending approval of the site plan;
4. Letter dated May 26, 1988, from Fire Chief Michael Dunne, stating no objection to the site plan, but requesting one fire hydrant presently located on the property at Building #3 be turned; followed by a verbal report of June 10 stating that Stanmar had agreed to turn the hydrant;
5. Letter dated June 9, 1988, from Town Planner Lee Newman, on behalf of the Planning Board, advising that the Planning Board has approved the site plan subject to receipt of a modified plan which incorporates all changes and issues raised in the Town Engineer's letter of May 23, 1988, and in accordance with the recommendations of the Design Review Board;
6. Memorandum dated May 24, 1988, from Conservation Coordinator Deborah Montemerlo stating that no Wetlands Protection Act filing will be required; however, the Commission does have concern for the storage of liquid nitrogen and the use of temporary wood frame sheds shown on the new site plan as existing but not shown on the original site plan, but noting that neither appear to be within 100 feet of the wetland;
7. Letter dated June 1, 1988, from Design Review Board Chairman Joyce Wells Fantasia, recommending approval of the exterior design plans and conceptual landscaping plans, with the condition that final detailed landscaping plans be brought to the Design Review Board for review.

The Board reviewed the revised site plan and in response to inquiry by Selectman Drobinski, T. J. Lenick of Stanmar, Inc. stated that the distance

between the walkway and proposed addition is approximately 15 feet, which should be more than adequate.

The Board next reviewed a draft vote prepared by the Selectmen's Office. Chairman Wallace explained that the Board will vote this evening and the Decision will be typed in final form and signed by the Selectmen on or before July 18, 1988.

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

VOTED: To grant a Site Plan Special Permit to Stanmar, Inc., for property located at 68 Old County Road as shown on a plan entitled, "Site Plan of Land in Sudbury, Mass. for a Proposed 34' X 46' X 20' High Addition to Building #1", dated April 15, 1988, Revised May 27, 1988, by Schofield Brothers, Inc. 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 utilities underground;
- 3) extension of Sudbury Water District lines to the site by the owner; no wells for drinking water to be installed on the site;
- 4) installation of a new septic system approved by the Board of Health;
- 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) no use of salt or chemical de-icers on site;
- 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) no building permit shall be issued until items noted above as 1 and 8 are complied with;
- 13) no occupancy permit shall be issued until items noted above as 2, 3, 4, 5, 6, 7, 9, 10 and 11) are complied with;
- 14) this Special Permit shall lapse if construction and a substantial use thereof have not commenced except for good cause within one year from the effective date of said Permit.

Resource Recovery Committee Communications

It was on motion of Chairman Wallace unanimously

VOTED: To forward letter dated June 23, 1988, from the Resource Recovery Committee requesting a joint meeting to discuss specific recommendations relative to recycling at the Landfill to Highway Surveyor Robert Noyes, Town Engineer I. William Place, and Highway Department employee Donald Grenier (landfill operator); and it was further

VOTED: To acknowledge receipt of letters dated June 23 and June 28, 1988, from the Resource Recovery Committee, providing information on a proposed Materials Recovery Facility in Millis, inviting the Selectmen to attend a presentation on the same in Wayland on July 7, 1988, and providing additional date on such projects; and to request Executive Secretary Thompson to make certain Highway Surveyor Robert Noyes and landfill operator Donald Grenier receive copies of same.

Mr. Thompson indicated that he would make every effort to attend the presentation meeting regarding the Millis facility on July 7, 1988, in Wayland.

Special Town Meeting

The Board reviewed list prepared by Executive Secretary Thompson outlining proposed articles which may be presented at a special town meeting. Mr. Thompson pointed out that the Town Moderator has indicated his desire for Town Meeting to change his appointive duties so that he only appoint the Finance Committee. Selectman Cope requested another item be added regarding water resources concerning Zone 2, and Mr. Thompson stated that he would add a new article requesting a hydrogeological study to define Zone 2.

A date of October 3, 1988, was suggested for a Special Town Meeting, with a caveat from Mr. Thompson that the schools may not be ready. Mr. Thompson expressed his opinion that the Town may be ready to get into a routine of conducting Special Town Meetings and sees no reason why everything has to be crammed into the April Annual Town Meetings. It is his belief that the residents would prefer to have Town government expedited, and he suggested that the Selectmen can send out a strong letter stating that a Special Town Meeting will be called on such-and-such a date, but they discourage anything but those articles of a special or emergency nature being place on the agenda or requiring a large appropriation.

The Selectmen agreed to consider the date of October 3, 1988, for holding a Special Town Meeting and shall discuss same at their meeting of July 18, 1988, for the purpose of calling same.

Council On Aging - Van Donations

It was on motion unanimously

VOTED: To accept donations totalling \$189.00 for deposit into the Council On Aging Van Donation Account, and to authorize the Council On Aging to expend the same for purposes of operating and maintaining the Council On Aging van.

Selectman Cope further noted that the Council On Aging cookout is scheduled for July 11, 1988, and Executive Secretary Thompson stated he will try to attend same.

Earth Removal Board Meeting

Selectman Cope pointed out that the Earth Removal Board will be holding a hearing on July 20, 1988, at 7:30 p.m., regarding the Willis Hills matter, which is the same evening as the School Committee's meeting relative to a decision regarding the Nixon/Loring buildings. Mrs. Cope indicated that since others will be attending the School Committee hearing, she will attend the Earth Removal Board's Meeting.

Beautification Project

Selectman Cope reported that Highway Surveyor Robert Noyes purchased a number of planter barrels at Spag's Department Store for \$8.00 each, and expressed her appreciation on behalf of the Board for the donation of flowers from Cavicchio's Greenhouses, Inc. on Codjer Lane. Mrs. Cope stated that placement of the barrels and flowers is continuing as time and weather permit.

Long Range Planning Committee - Space Needs Study Meeting

Executive Secretary Thompson reported that the Long Range Planning Committee has notified all boards, committees and departments of a meeting they will hold on Friday, July 8, 1988, at 3:00 p.m., lower Town Hall, to give an update of the Space Needs study. Pursuant to request of Selectman Cope, Mr. Thompson will send copies of such notice to Frank Riepe, David Aronson and Jim Watterson, members of the Route 20 Task Force Architectural Subcommittee.

Water Issues

Selectman Cope stated she has additional questions regarding the restriction of water use currently in force. Will the ban be on all summer? What about penalizing violators? Executive Secretary Thompson stated that he has been informed that the ban will continue, for how long he cannot say. Mr. Thompson stated that he has been assured the Town has no great problem, although a water pressure problem has been reported. There was a major leak on Landham Road.

Selectman Cope further reported that she has been updated by Robert Leupold on his research concerning the Route 117 well, and she believes the

letter from DEQE is a good one because it mandates reports by August 6, 1988. Executive Secretary Thompson stated that he would check with Winthrop Fairbank and place this on high priority.

Selectman Drobinski stated that to his mind the water issue is still confusing a lot of people and suggested additional press releases regarding use of water and the well situation. Mr. Drobinski also requested Town Counsel look into a mechanism for enforcement of violations of the water ban and Executive Secretary Thompson stated that he would communicate with Town Counsel's Office and request such a report.

Discretionary Fund Petty Cash Expenditures

The Board reviewed two expenditures from the Discretionary Fund Petty Cash Account to two individuals for emergency food assistance.

It was on motion unanimously

VOTED: To confirm expenditure of \$50 each from the Discretionary Fund Petty Cash Account to the two individuals noted on the receipts for same.

Youth Commission

Executive Secretary Thompson reported that he had had conversation with Peggy Ward, formerly of the Cable Television Committee, who had contacted him concerning youth services. She proposed the idea that the Town avail itself of pro bono work by resident professionals who deal in matters involving youth. Mr. Thompson referred her to Ann Loos of the Youth Commission.

Peirce Rose Inc. Property

The Board acknowledged receipt of letter dated June 26, 1988, from Donald P. Peirce, President, Peirce Rose Inc., and it was on motion unanimously

VOTED: To refer letter dated June 26, 1988, from Donald P. Peirce, President, Peirce Rose Inc., to Town Counsel Paul Kenny for response as soon as possible.

Executive Secretary Thompson reported that he has spoken with Sudbury Valley Trustee Vice President John Taft, and that a meeting is being scheduled for July 18, 1988, for the Board to receive an update from the Trustees on the Peirce land acquisition. It was noted that a special Board of Selectmen's meeting could be called before that date if the need arises. In response to inquiry, Mr. Thompson stated that he has no reason to believe the Department of Fisheries and Wildlife is any less interested than they expressed in the past and is certain they will be taking an active role.

There being no further business to come before the Board, the meeting was adjourned at 9:15 p.m.

Attest:

Richard E. Thompson
Executive Secretary/Clerk