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IN BOARD OF SELECTMEN
MONDAY, JUNE 13, 1988

Present: Chairman 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 David A. Wallace at the lower Town Hall.

Acceptance of Bid Regarding Purchase of Fire Engine

Present: Fire Department Lt. Michael P. Carroll.

After discussion, it was on motion of Chairman David A. Wallace unanimously

VOTED: To accept the bid for a 1250 gpm fire engine pumper from Greenwood Fire Apparatus, Inc., No. Attleboro, Massachusetts, received June 6, 1988, in the amount of \$129,983 and a trade-in offer of \$1,000 for a net cost to the Town of \$128,983; as recommended in a memorandum dated June 7, 1988 from Fire Chief Michael Dunne.

Council On Aging - Donations

It was on motion of Selectman John C. Drobinski unanimously

VOTED: To accept donations totalling \$94.00 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.

Minutes

It was on motion of Chairman Wallace unanimously

VOTED: To approve the regular and executive session minutes of June 6, 1988, as presented; subject to comment by Selectman Judith A. Cope.

Landfill Rules & Regulations Revisions

Present: Linda Bolton, Neal M. Drawas, Theodore A. Barten, Resource Recovery Committee.

Executive Secretary Thompson informed the Board that the Resource Recovery Committee had reviewed the comments by Town Counsel, the Town Engineer, Highway Surveyor, and Board of Health on the draft Rules and Regulations governing the operation of the Landfill, including proposed fee schedules, and by letter dated June 12, 1988, has provided a summary of that review for consideration by the Board. He also noted receipt of a communication dated June 10, 1988, from Assistant Town Counsel David Doneski, setting forth what he believed to be the policy issues and implementation issues summarizing the comments and recommendations of the various boards and committees, together with his own comments.

Executive Secretary Thompson recommended that the Board adopt the rules and regulations as proposed inclusive of changes made by Assistant Town Counsel and with the addition of certain restrictions and prohibited items as set forth

by the Highway Surveyor; and that the remaining policy issues which still generate conflicting opinions (such as imposing a fee for residential stickers) be placed on a future agenda for discussion and resolution. Mr. Thompson impressed upon the Board the importance of having rules and regulations and a new fee schedule in place by July 1, 1988, and this view was concurred with by Mr. Drawas. Mr. Drawas added that the remaining issues in conflict basically come down to a matter of philosophies, and the route to be taken - taxation versus user fee.

Mr. Thompson next referred to page 2 of Assistant Town Counsel's memorandum regarding "Special Waste" and Mr. Drawas commented that Highway Surveyor Robert Noyes' recommendation is very straightforward. It was suggested that Mr. Drawas and the Highway Surveyor discuss both this and other concerns relative to special permits.

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

VOTED: To adopt the Rules and Regulations Governing the Operation of the Sanitary Landfill as corrected by Assistant Town Counsel inclusive of restrictions on disposal of tires and prohibition against disposal of asphalt, concrete and logs; and subject to comment and clarification by Neal Drawas on special waste and special permits; and it was further

VOTED: To adopt the fee schedule as recommended by the Resource Recovery Committee in its reported dated May 16, 1988, with the exception of imposition of a residential fee; subject to further review by the Board with regard to future imposition of such residential fees, if any.

Chairman Wallace concluded the meeting by thanking the Resource Recovery Committee for all the time and effort that they have expended in addressing a major concern for the Town, and assured them that a meeting will be scheduled at the earliest possible time to further address and resolve the remaining issues outlined above.

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

Present: Building Inspector Joseph E. Scammon; Stanmar, Inc. representative Thaddeus J. Lenick.

Executive Secretary Thompson advised that parties in interest have been notified and Notice of Public Hearing had been duly posted and advertised in accordance with Sudbury Zoning Bylaws and M.G.L. c. 40A.

The Board began consideration of Site Plan Special Permit Application No. 88-306 of Stanmar, Inc., for property at 68 Old County Road, ID#11, for a 1,564 square foot addition to Building No. 1 of the Stanmar Office Park. However, upon inquiry to Town Counsel Paul Kenny, it was determined that no vote could be taken without the presence of all three Selectmen.

It was therefore on motion of Chairman Wallace unanimously

VOTED: To continue consideration of Site Plan Special Permit Application No. 88-306 of Stanmar, Inc., for property at 68 Old County Road, ID#11, for a

1,564 square foot addition to Building No. 1 of the Stanmar Office Park, to Tuesday, July 5, 1988, at 8:00 p.m.

Chairman Wallace asked Stanmar, Inc.'s representative, Thaddeus J. Lenick, if he would comment on letter dated May 23, 1988, from Town Engineer I. William Place, who listed nine items of concern he wished addressed. Mr. Lenick stated that he did not know if Mr. Place has seen the revised site plan, but pointed out that it is his understanding that the revised plan was presented to the Planning Board and has been approved. Mr. Lenick stated that he would make certain that Mr. Place has seen the revised plan and has submitted comments.

Proposed Equalized Valuation - Department of Revenue

The Board noted receipt of letter dated June 1, 1988, from The Commonwealth of Massachusetts, Department of Revenue Commissioner Stephen W. Kidder, enclosing a copy of the proposed valuations for all municipalities. Executive Secretary Thompson pointed out that Sudbury's valuation increased from \$852,201,929 (FY86), to \$1,532,452,000 (FY88), which reflects an increase of 79.82%.

Mr. Thompson stated that he has spoken with Assistant Assessor Daniel A. Loughlin and Mr. Loughlin assured that if the Board of Assessors determines an appeal is warranted, they will so notify the Selectmen.

Posting the Landham Road Bridge

After discussion and review of letter dated May 26, 1988, from The Commonwealth of Massachusetts, Executive Office of Transportation and Construction, Department of Public Works Commissioner Jane F. Garvey, it was on motion of Selectman Drobinski unanimously

VOTED: To authorize and request the Town Highway Surveyor to post the Landham Road bridge over Landham Brook in accordance with the rating and requirements established by the State Department of Public Works as set forth in a communication dated May 26, 1988, from Commissioner Jane F. Garvey.

MetroWest Growth Management Committee - Traffic Policies

After review of revised MetroWest Traffic Policies as amended and adopted by the MetroWest Growth Management Committee at its meeting on May 18, 1988, it was on motion of Selectman Drobinski unanimously

VOTED: To support the MetroWest Traffic Policies as amended and adopted by the MetroWest Growth Management Committee at its meeting on May 18, 1988; subject to comment by Selectman Cope.

Dog Officer - Warrant Relative to Unlicensed Dogs

On motion of Selectman Drobinski it was unanimously

VOTED: To authorize Executive Secretary Richard E. Thompson to send a letter of final notice to Sudbury dog owners regarding their unlicensed dogs for the 1988-89 year; and to authorize the Chairman to sign a Warrant to Dog Officer relative to unlicensed dogs in the Town, in accordance with G.L. c. 140, §151A.

Mr. Thompson reported that he has been informed that there are approximately 735 unlicensed dogs in the Town.

Residential Wastewater Treatment Facilities Advisory Committee - Alleged Violation of Open Meeting Law

Mr. Thompson noted receipt of the following:

1. Letter dated May 18, 1988, from Assistant District Attorney Cheryl A. Jacques of the Office of the District Attorney for Middlesex County, expressing her Office's opinion that the Residential Wastewater Treatment Facilities Advisory Committee (RWTFAC) violated the Open Meeting Law by improperly convening several executive sessions in early 1988;
2. Memorandum dated May 27, 1988, to Dr. William Cooper, Chairman of the RWTFAC, from Assistant Town Counsel David J. Doneski, requesting the Committee to vote release of the minutes in question; and
3. Letter to the Selectmen dated June 6, 1988, from the RWTFAC, outlining its considerations concerning the matter and requesting the Selectmen to request a confirmation from the District Attorney of his assistant's view that the open meeting law was violated.

It was on motion of Chairman Wallace unanimously

VOTED: To refer letter dated June 6, 1988, from Dr. William Cooper, Chairman, RWTFAC, relative to opinion of Assistant District Attorney regarding violation of open meeting law, to Town Counsel for whatever action he deems appropriate, with his notification to Dr. Cooper.

Water Resources Management Plan - Reactivation of Water Resources Committee

Upon recommendation of Mr. Thompson, it was on motion of Chairman Wallace unanimously

VOTED: To reactivate the Water Resources Committee established by the Board of Selectmen on March 19, 1986, comprised of the Water District Executive Secretary, Conservation Commission Coordinator, Town Planner, Health Director, Town Engineer, Highway Surveyor, Fire Chief; and to add to the membership of that group the Residential Wastewater Treatment Facilities Advisory Committee Chairman, or his designee; and to designate an additional charge of adopting and implementing a Water Resources Management Plan under the regulations of the State Water Resources Commission.

Director of Fair Housing Program Appointment

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

VOTED: To appoint Town Planner Lee Newman as Director of Fair Housing Program.

Complaint Regarding Dog Licensing

The Board noted receipt of letter dated June 6, 1988, from Barbara Kirk of 605 Concord Road, requesting fines imposed regarding licensing of her dogs be waived based on misinformation she received. Executive Secretary Thompson reported that the Town Clerk has responded under date of June 12, 1988.

Meeting With DEQE - Landfill

Executive Secretary Thompson reported a meeting has been scheduled with DEQE regarding the Landfill. In addition to Town Engineer Place, Town Counsel Paul Kenny has expressed his intent to attend.

Transfer Request No. 88-36 - Burner for Fairbank Building

Upon review of Transfer Request No. 88-36 from the Building Department, letter dated April 29, 1988, from Supervisor of Town Buildings Douglas R. Lewis, and recommendation of Executive Secretary Thompson, it was on motion of Chairman Wallace unanimously

VOTED: To approve Transfer Request No. 88-36 dated June 8, 1988, from the Building Department, from Reserve Fund Account to Account 340-330, in the amount of \$3,950.00, for the purchase of one burner for the Fairbank Building as requested in letter dated April 29, 1988, from Supervisor of Town Buildings Douglas R. Lewis.

Unisys/Sperry Property - Response to Letter dated May 26, 1988

The Board noted receipt of letter dated June 6, 1988, from Peter A. Hoffman, Esquire, Hoffman & Hoffman, 44 School Street, Boston, Massachusetts, advising that that firm is legal counsel for the purchaser of the Unisys/Sperry property on Route 117, Sudbury, and that Ron Boucher, agent for the purchaser, has forwarded the Selectman's letter dated May 26, 1988, to said firm for response.

Maynard Rod and Gun Club

Town Counsel Paul Kenny submitted to the Selectmen a copy of a Complaint his office prepared for filing in Middlesex Superior Court regarding the activities of the Maynard Rod and Gun Club and a request for a hearing on June 30, 1988, for an injunction. Attorney Kenny anticipates this will be filed tomorrow.

Sperry Property, Route 117

At 9:00 p.m., Chairman Wallace convened a preliminary discussion relative to the purchase of the so-called Sperry Property located on Route 117 in the towns of Sudbury and Concord. Chairman Wallace emphasized that this is not a public hearing but is for informational purposes only. Mr. Wallace further noted that in addition to representatives of various boards and committees of the Town of Sudbury, there were representatives of corresponding boards and committees from the Town of Concord as well. He requested that those in attendance this evening let other interested parties know what was discussed, and to assure all that since this meeting is for informational purposes only, the Sudbury Selectmen will be taking no official action at this time.

Mr. Wallace then called upon Ronald Boucher, who is the proponent of the plan for the purchase and development of the property. Mr. Boucher stated that he has been a resident of Sudbury since 1936, is a landscape architect, and represents a group of men who want to develop this property. Mr. Boucher continued that he has already met with a few of the Town officials from Sudbury a few weeks ago and gave them conceptual ideas of what they want to accomplish. He emphasized that contrary to what was reported in the Concord Journal, no preliminary plan has been submitted and there are no plans to build 347 homes in Concord. It is anticipated that the property will be purchased in the next sixty days.

Mr. Boucher next introduced Robert Merowitz as part of the development team. Mr. Merowitz stated that he, too, is a resident of Sudbury, and introduced the development team as follows: Bruce Ey, Vice President of Schofield Brothers, Inc. (Sudbury resident); Michael Coutu, a landscape architect who is planning on moving back to Sudbury; Peter Hoffman, Esquire, Sudbury resident whose law firm is legal counsel for the group; Leonard Jolles; Scot Inderpruehle, Sudbury resident, who is with Ron Boucher Associates; Bruce Thomas of Schofield Brothers, Inc.

Mr. Merowitz reiterated that the Sperry site is under purchase and sale agreement as of 45 days ago. He stated that it is their intent, first of all, to lease the existing facility to a research and development user. Mr. Merowitz stated that the building has been empty for approximately three years and there had been talk of leasing/selling it to, among others, Precision Instruments; however, all transactions fell through.

Mr. Merowitz continued by saying that since ninety percent of the partners in the development are Sudbury residents, they are very sensitive to the needs of the Town. He went on to say that at the 1987 Town Meeting, Sudbury down-zoned this property to 100,000 square feet; the Concord portion is zoned residential. He explained that the existing square footage of the existing building is 69,000, thus allowing expansion of an additional 31,000 square feet to the site. His group views this as an excellent opportunity for public and private sectors to work together. He pointed out that the Sudbury Housing Authority has been very active and his group would be willing to work directly with Concord and Sudbury in designing a housing project which is acceptable to everyone, if possible. There has been talk of building on the Sudbury property a total of 225 units, consisting of 157 two-bedroom and 68 one-bedroom units. On the Concord portion, there could be 122 units, consisting of 108 two-bedroom units and 14 single-family attached homes. Mr. Merowitz asked that it be kept in mind that while the number of units seems high, about 140 acres are involved. It is his belief that if the number of units were divided out, it would be a very low density. Mr. Merowitz further stated that it was his group's intent to allocate up to 30% of the units to affordable housing, which they believe will help the towns achieve State mandates.

Mr. Merowitz stated that they are aware of the history of the site and its environmental problems and his group has retained Neal Drawas of Jet-Line Services, who are environmental specialists, to represent them in handling this project. Mr. Merowitz stated that he believes this issue has been kept very much under control in the past couple of years; Unisys has spent about \$1,000,000 to clean up this site. He has been told that within the next twenty-four months there is a very good possibility that this property will be

very close to 100% clean. It is his opinion that Sperry has exceeded its obligations in cleaning this property up. Mr. Merowitz further believes that the nice thing about this site is that across the street there is conservation land; railroad on one side; in other words, it is not in the middle of a residential area. He continued that another nice part of this is that the way the site is laid out, these buildings essentially can be buried in the woods so that a passerby on Route 117 could not even see them.

Mr. Merowitz continued by stating that this particular stretch of Route 117 has possibly the least amount of traffic of Route 117. He believes the soil is excellent and there will be no major impact on the school system; also, the income to the town by way of taxes would generate substantial additional income to the towns.

Mr. Merowitz stated that there is a possibility that the development can be self-contained. The development would maintain its own roads, snow removal, rubbish removal, etc. The only real burden, he proffered, to the towns would be police and fire protection. He concluded his remarks by stating that his group looks at this as an opportunity to work with the boards of Sudbury and Concord to tailor to the needs of each town.

Michael Coutu displayed a "Master Plan" for the site and stressed that it was conceptual only. He pointed out the old Sperry building and the proposed expansion, bringing it up to 100,000 square foot of building. His group hopes that through a zoning change, the research and development area will be 31.98 acres, which would give a building coverage of about 7.2%, a figure he believes to be relatively low. Mr. Coutu also pointed out the wetlands area that they hope to utilize as a natural buffer zone. He also pointed out the location of the old Frost Family building, and expressed his group's thoughts to rehab it into a management office or recreational facility, as it is a wonderful old building. He concluded that his group is inclined toward cluster buildings, as they believe this would assure the most protection of natural vegetation.

Bruce Ey stated that the soil conditions are excellent for lot construction and sewage disposal. He pointed out that the geology map indicates there is a good deal of sand and gravel, and they know they have an existing septage system for approximately 5,000 gallons per day, which services the existing building. It is his understanding that the building would exist on its own septage system. Mr. Ey explained that with this type of development, i.e., a homeowners'-type association, and the fact that they wish to protect White Pond, the group feels that this would lend itself to a central collection system and would be looking to something in the vicinity of 90,000-100,000 gallons a day of tertiary treatment. They would be seeking a groundwater discharge permit. He emphasized that detailed geographical studies would have to be done and that will ultimately determine what they feel best suited for the site. Mr. Ey does not anticipate any problem in controlling surface water runoff.

Ronald Boucher concluded the presentation by his group by noting a number of Concord representatives present and assuring them that his group has not intentionally been ignoring Concord. Mr. Boucher explained that at the first meeting with Sudbury representatives, it was decided to have a joint informational meeting; and this evening is that meeting.

Chairman Wallace opened the meeting to questions. Hugh Caspe from the Sudbury Board of Health asked if any traffic analysis has been conducted as to what impact this development would have on Route 117 rush-hour traffic. He also inquired regarding their proposal for a package treatment plant, and asked if Sudbury's position on these types of plants has been considered by the group. Bruce Ey responded that, because there are currently no Town regulations, his group is using the most current State guidelines. In response to the question regarding traffic studies, Mr. Ey stated that at present no such study has been conducted but that such a study would have to be done at some time. He explained that these are expensive items to go into at such a preliminary point, but his group anticipates having to do such studies.

Arra Avakian of Concord, a member of the White Pond Advisory Committee referred to the conceptual plan and noted that it shows a road connecting into Concord from Sudbury. Michael Coutu stated that one of the problems to be addressed with the site is emergency access, especially from the Concord side.

Mr. Avakian also expressed concern about a septage system so near White Pond and Mr. Coutu stated that his group anticipated two to three good-sized pump stations, with emergency power and storage.

Marshal Ast of the Concord Planning Board questioned whether the existing 5,000 gallon septage system that services the existing building will have to be expanded if the building is. Bruce Ey responded by saying that the present system could very well be sufficient.

In response to inquiry by Jane Prentiss of the White Pond Advisory Committee for the Town of Concord, one of the members of the development group stated that town water will be used.

Walter Stadnisky of Sudbury's Residential Wastewater Treatment Facilities Advisory Committee guesstimated that this development would add about 520 people as residents to Sudbury; thus, he believes this development would have a significant impact on the Town. One of the members of the development group pointed out that in Sudbury, 225 units are proposed, which by Mr. Stadnisky's formula would amount to 375 people.

Upon inquiry, the development group stated that the target market price for development is \$150,000-\$200,000 for a two-bedroom cluster home.

J. Walter Brain of the Thoreau Country Conservation Alliance expressed his concern with the White Pond area and wants the woods around the Pond protected. Mr. Brain emphasized the historic significance of that area and noted that White Pond was Thoreau's favorite pond.

In response to inquiry by Chairman Wallace, Attorney Hoffman stated that the purchasing entity of the property is M & J Realty Trust [Merowitz and Jolles, Trustees], and that the Trust has not been recorded. Attorney Hoffman was not in a position at this time to state whether or not the parcel would remain in the name of the trust.

Mr. Ey responded to Mr. Brain's concerns by suggesting that a more careful review of the conceptual plan would show that they plan to maintain a substantial buffer to the Pond; access to the Pond is open to discussion.

Linda Bolton of Sudbury's Resource Recovery Committee asked where the rubbish collected would be taken. The development group was unable to answer this, as they have not determined who would be servicing the development.

Judith Sprott, Friends of White Pond, expressed her belief that based on what she heard this evening one-half of the units will be contained on one-third of the acreage.

Stuart Weinreb of the Department of Environmental Management stated that it is the Commonwealth's view that if it was determined to be in the interests of Sudbury and Concord that a much larger area of open space is required surrounding White Pond area, they would see that this could be obtained.

Sudbury Planning Board member Morton L. Brond asked Bruce Ey if he and his group are aware of the Willis Hill and Liberty Ledge court decisions, which allowed the Town to turn down the sewage package treatment plants they wanted. Mr. Ey stated that he understands those situations to be a different application, in that they are dealing with private, individual lots; his group intends to develop the parcel as one lot. It is his belief that once they reach 15,000 gallons per day, DEQE will force them into a septage treatment, rather than separate sewage systems. Selectman Drobinski commented that if the group goes the residential-zoning route, the Town bylaws state that a septage treatment plant is not an allowed usage. Mr. Ey stated that they are aware of that and that is why there has been discussion about re-zoning or cluster housing.

Sudbury Planning Board member Russell P. Kirby requested more details about their plans for affordable housing and Mr. Merowitz reiterated that they hope to work with the Sudbury Housing Authority and the Housing Partnership Committee. Upon further inquiry it was learned that the group has not to date approached any state or federal agencies concerning this.

Sudbury Planning Board member Richard Brooks commented that, in looking at the density of the houses proposed by the group to be constructed, he wanted to know if the group has done any examination of the watersheds in those areas. He also commented that the group used the term "clusters" in its initial presentation and wanted to know if they mean they will be coming to Sudbury with a cluster zoning plan. In response, one of the members of the group stated that it is possible, but re-emphasized that this is merely a conceptual plan. The group hopes that after this meeting and in the weeks and months ahead, they will get some input back from the various boards, committees and groups of both towns as to which way they would like to see this project go.

In response to inquiry by Stephen Yeo of the Sudbury Conservation Commission, Mr. Coutu stated that there will be wetlands crossings. He added that they are aware that Sudbury is concerned about this and assured all that they will look into every possible option to avoid the wetlands crossings.

Various items concerning acreage, visibility of the housing and affordable housing were reiterated by Sudbury Conservation Commission member Robert Lancaster and Friends of the White Pond member Gail Jewell and Sudbury Housing Partnership Committee member John Thurber, respectively.

The meeting was concluded with a statement by Sudbury Executive Secretary Richard E. Thompson that, as indicated by Sudbury Selectman Chairman

David A. Wallace, this meeting was for informational purposes only; and if anything is to come before the Selectmen, he will make certain those persons who signed into the meeting this evening get notice thereof.

Chairman Wallace thanked all for attending and the discussion adjourned at 10:05 p.m.

Executive Session

At 10:05 p.m., it was on motion by roll call unanimously

VOTED: To go into executive Session for the purpose of discussing a collective bargaining matter, discretionary fund matter, and litigation issue.

(Chairman Wallace, aye; Selectman Drobinski, aye.)

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

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