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IN BOARD OF SELECTMEN  
MONDAY, MAY 2, 1988

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

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.

Peirce Land - Chapter 61A Property

Present: Robert Anderson, President, John Taft, Vice-President and Executive Director Alan Morgan of Sudbury Valley Trustees; Conservation Coordinator Deborah Montemerlo; Steven Bradford, as representative of the Maple Avenue neighborhood; Mr. and Mrs. Donald Peirce; approximately fifteen residents.

Chairman Wallace convened a public hearing regarding the question of assigning to the Sudbury Valley Trustees the Town's first refusal option to purchase land owned by Peirce Rose, Inc., located to the rear of 55 Maple Avenue, pursuant to M.G.L. c. 61A, §14.

Executive Secretary Richard E. Thompson stated that notice of this meeting was duly posted, and notification was made to Steven Bradford, representative of the Maple Avenue neighborhood, and other interested parties. Mr. Thompson advised those present that the Selectmen had met and discussed this matter with the Conservation Commission last week and as a result, during Town Meeting, the Selectmen assigned the option. Mr. Thompson explained that the purpose of this meeting is to conduct a public hearing for those interested parties and to complete execution of the assignment agreement with the Sudbury Valley Trustees.

Chairman Wallace invited John Taft, Vice President of the Sudbury Valley Trustees, to speak. Mr. Taft introduced President Robert Anderson and Executive Director Alan Morgan of the Sudbury Valley Trustees. Mr. Taft went on to say that he has discussed this matter with Assistant Town Counsel David Doneski, reviewed it with Messrs. Anderson and Morgan, and the Sudbury Valley Trustees are more than happy to utilize its best efforts to secure the protection of the very important wetlands and lands that adjoin Hop Brook and Landham Brook. The Trustees, Mr. Taft stated, are desirous of meeting with the Peirces to ascertain what their interests are and work out a mutually-beneficial arrangement for the Town and the Peirces.

Steven Bradford of 25 Maple Avenue next spoke as representative of the Maple Avenue neighborhood. Mr. Bradford stated that he followed the presentation of the article at Town Meeting and believes he understands the purpose for the actions being taken; however, he does wish to make certain the residents of the Maple Avenue neighborhood are "in sinc" with the Selectmen.

Conservation Coordinator Deborah Montemerlo explained that with the help of Town Counsel's office the Conservation Commission has drafted an agreement under which the option would be assigned to the Sudbury Valley Trustees. Under said agreement, she explained, the Sudbury Valley Trustees will continue with

the Town's original recommendations and negotiations for the purchase of the property, working with the Department of Fisheries and Wildlife. Ms. Montemerlo stated that the proposal is for 23 acres to remain open space, with the remaining parcel (just under six acres) to be sold for development of not more than two lots. Sudbury Valley Trustees have indicated that there is a good possibility of selling that parcel to a developer who will subdivide into less than two lots. Ms. Montemerlo stated that she has been informed that there are two developers interested in the parcel, and they need to know if they may place a second house on the parcel, and they need to obtain the results of soil testing, etc.

There was an inquiry regarding a time-frame, and Ms. Montemerlo stated that they were hopeful this matter would be resolved within a very short time, but are looking to an outside date of July 30, 1988, as the deadline. She emphasized that it is important to consider the Peirces' position, and it is her feeling that it would not be fair to the Peirces to "drag this out".

In response to inquiry from resident Edith Hull of 15 Maple Avenue concerning the vote by Town Meeting, Mr. Thompson explained that on this issue there is in reality no time difference between "indefinitely postponing" and "committing".

Jeff Jacobson of 36 Maple Avenue stated that, in addition to being an abutter to the subject property, he has written a research paper on it. Mr. Jacobson expressed his opinion that in terms of marketability, it would be more practical to allow three lots instead of two. In all other respects, Mr. Jacobson stated, he believes the agreement really seems to benefit all parties.

Mr. Thompson stated that when a final resolution is made copies of all pertinent documents will be sent to Mr. Bradford as representative of the Maple Avenue neighborhood. In response to inquiry by a resident as to what will happen if the proposed expiration date of July 30 passes without an agreement being reached, Mr. Thompson stated the negotiation process will begin anew. Mr. Taft pointed out that it is important that the Peirces know where they are going to be in the future; for that reason, Mr. Taft feels certain they are as interested as anybody in settling this.

Donald Peirce was asked for his comments, and he stated that he had basically four questions concerning this matter. They are:

1. What specific law gives the Town the right to assign a 61A option?
2. Regarding the actions at Town Meeting: where the Town did not vote to purchase nor did it vote not to purchase, but to do something else, is there a time factor related to that within the vehicle of the law that allows the Town to assign?
3. The land is owned by a corporation. If the corporation is sold to a party other than himself, does the option still exist if that corporation enters into an arrangement to sell the property with no change in its present use?
4. If the assignment is proper, are there legal constraints on time limits? The corporation's fiscal year ends June 30th, and if a sale or an

agreement were to be consummated before that time, as opposed to after July 1st, the tax consequences of the corporation under 1988 tax laws would be significantly different than if the sale was completed pre-July 1st.

Since the questions are legal in nature and Town Counsel was not present, Chairman Wallace assured Mr. Peirce that his questions will be submitted to Attorney Kenny without delay and written answers will be provided. Selectman Wallace will request Town Counsel to forward copies of his communication to Steven Bradford and John Taft as well.

It was on motion of Chairman Wallace unanimously

VOTED: To affirm the Board's assignment of April 27, 1988, pursuant to M.G.L. c. 61A, §14, of the Town of Sudbury's first refusal option to purchase approximately 28.76 acres of land located off Maple Avenue and owned by Peirce Rose, Inc., as noticed and recorded on December 24, 1988, to the Sudbury Valley Trustees, Inc., a nonprofit conservation organization.

President Robert M. Anderson signed the agreement of assignment on behalf of the Sudbury Valley Trustees, Inc.

Chairman Wallace thanked all present for attending the hearing, whereupon said hearing was adjourned.

#### Water Supply and Related Issues

Selectman Cope stated that since Town Meeting, she has received numerous telephone calls and questions about the aquifer protection article, as well as water-related issues. Ms. Cope suggested that she and the other Selectmen tour the confirmed toxic waste sites so they may become more familiar with the issues.

After discussion, it was on motion of Selectman Cope unanimously

VOTED: To schedule a discussion of concerns relative to the aquifer protection article and water-related issues for Monday, May 23, 1988, immediately following Town Forum.

Executive Secretary Thompson and Selectman Cope will prepare a written agenda for said discussion covering basically two topics: (1) the aquifer protection bylaw; and (2) general water concerns. Mr. Thompson will also contact Winthrop Fairbank and request his presence to answer anticipated questions concerning the current practices employed for water testing.

Mr. Thompson reminded the Board that in 1986 the Selectmen appointed a Water Resource Committee, which consisted of representatives from the Water District and Town Officials and he recommended consideration should be made as to what action the Selectmen wish to take concerning this Committee.

#### Minutes

It was on motion of Chairman Wallace unanimously

VOTED: To approve the regular and executive session minutes of April 25, 1988, and the regular session minutes of April 26, and 27, 1988.

Liberty Hill Estates - Environmental Impact Report

The Board reviewed the following:

1. Draft Environmental Impact Report, Liberty Hill Estates Subdivision, to the Executive Office of Environmental Affairs MEPA Unit, from the Conservation Commission;
2. Copy of letter dated April 27, 1988, from Russell P. Kirby, Chairman of the Planning Board.

It was on motion of Selectman Drobinski unanimously

VOTED: To concur and support comments relative to the Draft Environmental Impact Report, Liberty Hill Estates Subdivision, to the Executive Office of Environmental Affairs MEPA Unit from the Conservation Commission in a letter dated April 25, 1988, and subsequent Planning Board communication dated April 27, 1988.

Coatings Engineering - Tanks

The Board acknowledged receipt of communication from Fire Chief Michael Dunne, dated April 28, 1988, relative to removal of five underground inflammables storage tanks at the former Coatings Engineering property off Union Avenue. The Fire Chief reported the current owner, Chiswick Trading Company, Inc., does not intend to renew its storage license for inflammables.

Union Carbide - Tank

The Board acknowledged receipt of communication from Fire Chief Michael Dunne, dated April 29, 1988, relative to the granting of permission to Union Carbide to fill with a slurry mix instead of removing the 900 gallon used oil tank on their property located at 141 Boston Post Road.

Supervisory Association FY88 Salaries

Upon review of April 26, 1988 communication from the Finance Committee relative to Supervisory Association FY88 Salaries, it was on motion unanimously

VOTED: To refer Finance Committee letter dated April 26, 1988 regarding Supervisory Association Fiscal Year 1988 Salaries to Labor Relations Counsel Richard Murphy for his comments.

Hawkers & Peddler/Transient Vendors Licenses

Executive Secretary Thompson informed the Board that the office has received inquiries regarding selling "fast food" from a vehicle, the seller standing inside the vehicle.

Since this request involves the issuance of Hawkery & Peddler/Transient Vendors licenses, Mr. Thompson requested Town Counsel's opinion as to the current Rules and Regulations covering these licenses.

Mr. Thompson stated that the current Selectmen's Rules and Regulations limit issuance of such licenses only in business areas. It is Mr. Thompson's personal opinion that these types of self-contained units should be discouraged on Route 20 because of the traffic problem. He further feels these units would be inappropriate and would not provide any new service to the area, since there is accessibility to many food establishments in the area.

Mr. Thompson recommended that the Board consider amending the Rules and Regulations for Hawkers & Peddlers/Transient Vendors Licenses to reflect the Town's increased traffic and space concerns. One change Mr. Thompson proposes is to require approval of all sales locations by the Selectmen upon recommendation of the Police Chief.

The Board expressed a consensus of agreement with Mr. Thompson concerns and will review the Rules and Regulations. Said matter will be placed on the May 16, 1988 agenda for action.

#### 350th Anniversary Celebration

Pursuant to request of Beverly Bentley, Chairman of the 350th Anniversary Celebration Committee, it was on motion of Selectman Drobinski unanimously

VOTED: To appoint Richard E. Thompson to the Sudbury 350th Anniversary Celebration Committee.

#### Earth Day

Selectman Cope expressed the Board's thanks to those who so generously contributed their time and effort to Spring Cleanup Day in Town. With the approval of the other Selectmen, Ms. Cope will contact Lincoln-Sudbury Regional School Superintendent Bradford H. Sargent to suggest their cleanup of property adjacent to the school. Ms. Cope further noted the suggestion that the Town's sports teams be solicited next year.

#### Planning Board/Board of Appeals Litigation Regarding Raytheon

Selectman Cope asked what the status is regarding the litigation by the Planning Board against the Board of Appeals concerning the Raytheon matter. It was decided to place this matter on the agenda for May 16, 1988, if possible.

#### Council On Aging - Creation of Task Force

Selectman Cope requested a meeting be scheduled with the Task Force following appointment concerning the proposed Senior Citizens Center. Executive Secretary Thompson will send letters and place on the agenda for June 13, 1988.

#### Selectmen's Meetings - Summer Schedule

Executive Secretary Thompson requested that the Selectmen let him know their vacation schedules so a summer schedule may be prepared. Chairman Wallace stated that he will be unavailable the week of July 11, July 25, and

August 8, 1988. Selectman Cope has no definite plans as yet for the summer, but did note that she will be unavailable October 8-22, 1988.

There being no further business to come before the Board, the meeting was adjourned at 9:30 p.m.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk