

IN BOARD OF SELECTMEN
SEPTEMBER 26, 1988

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

The statutory requirements as to notice having been given, the meeting was called to order by Chairman Wallace at 7:30 p.m. at Lower Town Hall.

Site Plan #88-308 - The Enrichment Center For Children, Inc.

Present: Theodore Pasquarello, Paris Trust; Marcie Ravech-Williams, President, The Enrichment Center for Children, Inc.; Building Inspector Joseph E. Scammon; Fire Chief Michael Dunne.

Chairman Wallace convened a public hearing to consider the application of The Enrichment Center for Children, Inc. for a Site Plan Special Permit to permit the use of the property located at 31B Union Avenue as a children's daycare center, and construction of a fenced-in play area.

Executive Secretary Thompson reported that notice of the public hearing was duly posted and advertised, with written notice to Parties in Interest. Receipt of the following was acknowledged:

1. Memorandum dated September 22, 1988, from Health Director Robert C. Leupold, recommending approval, but noting the requirement that the outdoor play area must be fenced by a four-foot high barrier if in a dangerous traffic area;
2. Memorandum dated September 26, 1988, from Health Director Robert C. Leupold, supplementing his memorandum dated September 22, 1988, and informing that the proposed play area has been inspected and approved by Betty Donovan, Office for Children;
3. Letter dated September 22, 1988, from Town Planner Lee Newman, informing that the Planning Board voted, at its September 13, 1988 meeting, to recommend disapproval of the site plan special permit, as it feels an independent day care center located within an industrial district is inappropriate; and further calling attention to the Zoning Bylaw IV,V,I, Location of Automobile Services;
4. Letter dated August 25, 1988, from Deputy Building Inspector Earl Midgley, informing that the proposed Center conforms to the State Building Code for use as a day care center;
5. Letter dated September 1, 1988, from Fire Chief Michael Dunne, informing that the Fire Department has no objection to the granting of the site plan special permit;
6. Letter dated September 21, 1988, from Inspector of Buildings Joseph E. Scammon, recommending approval;
7. Letter dated September 22, 1988, from Joyce Wells Fantasia, Chairman of the Design Review Board, stating its approval of the plans for a stockade fence surrounding the outdoor play area;

8. Memorandum dated September 22, 1988 from the Conservation Commission, informing that because the plan provided shows the fenced in play area will be constructed within 100' of a wetland resource area (ditch) in the rear of the property, a Wetlands Protection Act Request for Determination of Applicability filing will be required for the play area and fence;

9. Verbal communications from the Police Department and the Engineering Department indicating no objections and recommending approval;

10. Copy of minutes of the Public Hearing and Notice of Decision of the Board of Appeals dated May 17, 1988, voting 4-1 in favor of granting a special permit to operate a children's daycare center.

Because of the Planning Board's letter (see Item #3 above), Mr. Thompson provided copies of Zoning Bylaw, Section IX,V,I, Location of Automobile Services, for review; and Chairman Wallace asked Town Counsel Paul Kenny for his opinion. Attorney Kenny stated that the bylaw as written is intended to prevent a gasoline station or similar business from being placed next to a school, library, church, or playground, etc.; but that it simply does not prohibit the reverse situation. To interpret it that way would be a prospective prohibition. Chairman Wallace also asked if, health and safety issues aside, the applicant would need a variance to comply with the bylaws; and Attorney Kenny stated that in his opinion, which is a concurrence with that of Board of Appeals Chairman Lawrence Blacker, the applicant would not.

Theodore Pasquarello of Paris Trust, the owner of the property, stated that he had been contacted by Marcie Ravech-Williams some time ago concerning use of the property as a day care center. He stated that he then contacted Building Inspector Joseph Scammon, who gave initial approval to proceed with a site plan review application. Mr. Pasquarello informed that he then contacted the Board of Appeals, and met with them on May 17, 1988. After that Board's favorable decision, Mr. Pasquarello continued, he and Ms. Ravech-Williams met with other appropriate Town and State agencies. Mr. Pasquarello stated that the building has been brought up to Town and State codes and regulations; and licenses have been received and the Center has been approved to operate.

In answer to inquiries by Selectman Cope and Drobinski, Ms. Ravech-Williams stated that the Center is licensed for a total of thirty-nine children; the Center provides for two sessions, full and 3/4, a full day running from 8:45 a.m. to 5:45 p.m. Pick-up and drop-off of the children is at the front, and their arrival/departure times are staggered.

Selectman Cope referred to the Board of Health's memorandum dated September 26, 1988, wherein Health Director Robert C. Leupold informed that a water sample was taken on June 22, 1988 from the drainage next to the building, and that those results indicated no volatile organic chemicals. Based on prior soil samples taken on the adjoining Chiswick property which showed some contaminants, both Selectman Cope and Selectman Drobinski expressed concern about the play area. Mr. Pasquarello explained that the play area consists of sand which was placed on top of a flat paved area. He further informed that according to DEQE, no soil samples were required, only water tests.

Selectman Drobinski also expressed concern over the location of the play area and the possibility of a car turning the corner and hitting the fence.

Fire Chief Michael Dunne stated that the curve where the cars must turn makes it necessary for the cars to slow down, and he believed it presents no danger.

Selectman Drobinski pointed out that the Board of Appeals would be reviewing this Center on a yearly basis, since they must renew the permit every year.

It was on motion of Chairman Wallace unanimously

VOTED: To approve Site Plan #88-308 for a Site Plan Special Permit from The Enrichment Center for Children, Inc., for use of property as a daycare center and construction of a fenced-in play area at 31B Union Avenue, Limited Industrial District #1, owned by Paris Trust, as shown on a plan entitled, "Partial Site Plan of Land Sudbury, Mass. Owner: Paris Trust, 33 Union Ave. Sudbury, Mass.", dated August 9, 1988, by Schofield Brothers Inc.; subject to compliance with all governmental laws and regulations pertinent thereto; and further subject to the condition that a Wetlands Protection Act Request for Determination of Applicability be filed with the Conservation Commission for the play area and fence; and subject further to approval of an outdoor sign for the Center by the Design Review Board; it was further

VOTED: To request Town Counsel to draft a decision relative to the approval of said Site Plan for signing by the Selectmen.

Space Study Steering Committee

Executive Secretary Thompson reminded the Board that at its meeting with the School Committee, Permanent Building Committee and others on September 19, 1988, there was a consensus reached to attempt to consolidate a plan for the Town's total space needs, including the schools. Mr. Thompson pointed out that in June of 1987 the Board created an informal steering committee which included representatives from the School Committee, Board of Selectmen, Long Range Planning Committee, Finance Committee and Lincoln-Sudbury Regional School District Committee; and including Lincoln-Sudbury Regional Schools Superintendent Bradford Sargent, Superintendent of Schools David Jackson and Mr. Thompson.

Upon recommendation of Mr. Thompson that the Board formalize the aforementioned steering committee, it was on motion of Selectman Cope unanimously

VOTED: To establish a Space Study Steering Committee, which will meet on a regular basis to study the total Town space needs, including the schools, and provide recommendations for meeting the municipal and school needs of the Town; said Committee to be comprised of representatives from the following:

Sudbury School Committee
Lincoln-Sudbury Regional School District Committee
Board of Selectmen
Long Range Planning Committee
Finance Committee
Permanent Building Committee
Executive Secretary, Ex Officio
Lincoln-Sudbury Regional Schools Superintendent, Ex Officio
Sudbury Superintendent of Schools, Ex Officio.

Selectman Cope suggested that the individuals who served on the informal steering committee be asked to serve on the newly-established formal one; and Mr. Thompson stated that he would seek those individual's commitment to serve. The Board agreed Chairman Wallace would continue to represent the Selectmen on said Steering Committee.

Cancellation of Selectmen's Meeting

It was on motion unanimously

VOTED: To cancel the Board's regular meeting of October 10, 1988, as it is the holiday of Columbus Day.

MAGIC Subregion Legislative Breakfast

The Board reviewed letter dated September 15, 1988, regarding the Minuteman Advisory Group for Interlocal Coordination (MAGIC) Subregion Legislative Breakfast scheduled for October 13, 1988 at the Wayside Inn. Selectman Liaison Judith Cope stated that she will be unable to attend this breakfast as she would be out of Town. Mrs. Cope stated that she would like to ask former Selectman Chairman Anne W. Donald to attend, and Selectmen Wallace and Drobinski concurred that she would be an excellent choice.

Town Forum - 180th Sessions

At 8:00 p.m., Chairman Wallace convened the 180th Session of the Town Forum, a copy of the minutes of which are attached hereto and made a part hereof.

Special Town Meeting Warrant Review

Present: Town Moderator Thomas G. Dignan, Jr.; Town Clerk Jean M. MacKenzie.

Chairman Wallace convened the Warrant Review of the Special Town Meeting, and turned the Review over to Town Moderator Thomas G. Dignan, Jr.

Mr. Dignan noted that he has received a list of speakers from the Selectmen and would be soliciting information as to other speakers for various articles during the evening.

Mr. Dignan requested Chairman Wallace to lead the recitation of the Pledge of Allegiance at the opening of Special Town Meeting, and Mr. Wallace accepted.

Mr. Dignan was informed of articles proposed for indefinite postponement by their proponents (numbers 17, 24, 27), and was informed that two articles, numbered 26 and 28, may be indefinitely postponed.

Moderator Dignan concluded the review by requesting the media and those present to remind the townspeople that Special Town Meeting will convene at 7:30 p.m., as it is necessary to have a quorum within an hour of the posted commencement time.

Town Forum

At 8:10 p.m., Chairman Wallace convened the 180th Session of Town Forum, a copy of which minutes are attached hereto and made a part hereof.

Town Forum was adjourned at 9:00 p.m. by Chairman Wallace, after which coffee and conversation were enjoyed.

Performance Review - Janet Silva Administrative Assistant to the Selectmen

Present: Janet Silva.

The Board reviewed Performance Review Report dated July 20, 1988, from Janet Silva, Administrative Assistant to the Board of Selectmen.

Selectman Drobinski commented that Mrs. Silva has been a dedicated employee and he received the concurrence of the Board when he stated that the Town is fortunate to have someone of her caliber assisting in the administration of the Town.

Executive Secretary Thompson stated that Mrs. Silva is one of the most competent people he has ever worked with, and he believes he could not have done as well in his office as he has done without Mrs. Silva's assistance. Mr. Thompson summed up the feelings of the Board when he stated that it is hoped that Mrs. Silva will "stay forever" in the Town's employ.

It was thereupon on motion of Chairman Wallace unanimously

VOTED: To accept the Performance Review Report dated July 20, 1988, from Janet Silva, Administrative Assistant to the Board of Selectmen, and approve a step increase for Mrs. Silva on her anniversary date.

Illegal Trash Dumping

Selectman Cope brought to the Board's attention an article in the Middlesex News concerning the illegal dumping of trash on the backroads of various communities, including Sudbury. Mrs. Cope expressed her hope that the Police Department can be on the lookout for these offenders and that strict monitoring at the Landfill be continued.

Minutes

It was on motion of Chairman Wallace unanimously

VOTED: To approve the minutes of the meetings dated September 13 and 19, 1988, as presented.

The Sudbury Foundation - Pictorial History

The Board reviewed letter dated September 21, 1988, from Cathy N. Sheehan, Administrator of The Sudbury Foundation, informing that the Trustees of said Foundation have approved a grant in the amount of \$2,529.33 to support a pictorial history book of Sudbury, and enclosing a check in said amount.

It was on motion of Chairman Wallace unanimously

VOTED: To accept with thanks a grant in the amount of \$2,529.33 from The Sudbury Foundation, to be placed in a special Pictorial History of Sudbury Account and expended for part of the downpayment to The Donning Company, publishers of said history book; and to transfer said monies to the Historical Society for the purpose as set forth in letter dated September 21, 1988, from Cathy N. Sheehan, Administrator of The Sudbury Foundation.

Ft. Devens Training Annex Land

The Board reviewed communication dated September 21, 1988, from P. Vaccaro, Director, Office of Real Estate Sales, Federal Property Resources Service, General Services Administration, relative to the Town's interest in acquisition/disposition of the 289-acre surplus land which is part of the Fort Devens Training Annex.

It was on motion unanimously

VOTED: To appoint Executive Secretary Richard E. Thompson as official liaison with the Federal General Services Administration relative to the acquisition/disposition of the surplus land which is part of the Fort Devens Training Annex, with the assistance of the Conservation Commission if said Commission so agrees.

It was determined that a discussion concerning this matter will be scheduled in Executive Session with Town Counsel and appropriate Town agencies.

Walkway Easement - Goodman's Hill Road

It was on motion unanimously

VOTED: To accept grant of Walkway Easement dated September 20, 1988, from the Sudbury Water District of Sudbury, by signing same; as more fully set forth in plan entitled, "Plan Showing Walkway Easement Over Land of Sudbury Water District Goodman's Hill Road Sudbury MA" dated July 14, 1987.

Metropolitan Area Planning Council - FY1989 Transportation Improvement Program

Upon review of letters dated September 16, 1988, from David C. Soule, Executive Director of the Metropolitan Area Planning Council, and Robert K. Sloane, Metropolitan Planning Organization Executive Secretary, it was on motion unanimously

VOTED: To endorse the draft of the State FY1989 Transportation Improvement Program to be submitted for federal funding.

Stump Dump

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

VOTED: To close the Rte. 117 Stump Dump, as there is no more room available; and to request the Executive Secretary to continue to seek alternative sites for same.

Intersection Improvements - Powers Road Area

Executive Secretary Thompson was pleased to report that in connection with comments made by the Board to representatives of Digital Equipment Corporation at the Selectmen's meeting held August 29, 1988, he has received a telephone call from Digital supplying the name of Ann Hurd as a "contact person" for the public meeting to be held concerning Powers Road. It was agreed that a pre-meeting session with Digital should be scheduled.

Sanitary Landfill - Disposal of Appliances

The Board reviewed letter dated September 20, 1988, from Town Engineer I. William Place, to the Executive Secretary, informing that the DEQE has implemented new regulations regarding items having capacitors or ballast resistors which contain PCB's, a known Hazardous Waste, which items include appliances, flourescent lights, and the like.

After consideration, the Board directed the Executive Secretary to schedule this subject on the agenda in the near future; it was the Board's desire to take more time to consider the matter.

Regulations for Small Sewage Treatment Facilities

Receipt was noted of copy of memorandum dated September 26, 1988, from Town Counsel to the Board of Health, commenting on the Board's proposed Regulations for Small Sewage Treatment Facilities.

Suggestion Regarding Televising Town Forum

Executive Secretary Thompson reported that there has been a suggestion that the monthly Town Forums be televised over the Cable Television Channel. This would, he explained, save a substantial amount of time in Town offices that needs to be expended in preparing and transcribing notes; would be a good source of training to the high school students; and would allow greater exposure to the various boards and committees when seeking applicants or advertising meetings.

Mr. Thompson stated he believed this would be a good idea if limited to Town Forums only. The Board concurred and requested the Executive Secretary to look into the matter further and come back at some future time with more information.

Communications Problems with Building Inspector

Selectman Cope stated that this evening's Town Forum revealed an ongoing communications problem among the Building Inspector and various boards and committees. Mrs. Cope opined that since new construction has slowed, the Building Inspector would have more time to attend to zoning violations. Mrs. Cope further stated that she believed a suggestion made by Gordon Henley

of the Conservation Commission that a stamp be used by the Building Inspector notifying that his approval does not exempt applicant from compliance with wetlands and other regulations, is a good one and would not be overly-burdensome to the Building Inspector.

Horse Pond Road Building

On recommendation of Selectman Cope, it was on motion unanimously

VOTED: To direct the Executive Secretary to send a letter to the appropriate State agency advising that Sudbury is still interested in obtaining use or ownership of the property on Horse Pond Road, when such property becomes available.

Water Test Results

Upon request by Selectman Cope, Executive Secretary Thompson stated he would obtain copies of the latest quarterly water well testing reports from the Water District, and will send copies to the Board.

Meeting

Selectman Cope reported that tomorrow she will be attending a meeting in Natick regarding the Mass. Broken Stone property in Weston.

Accident at Route 20/Chiswick

Upon request of Selectman Drobinski, Executive Secretary Thompson stated that he would request from the Police Department a report concerning an accident which occurred on Route 20 near the Chiswick property, on Wednesday, September 21, 1988, at approximately 9:00 a.m.

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