

IN BOARD OF SELECTMEN  
MONDAY, OCTOBER 23, 1989

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

The statutory requirements as to time and place having been fulfilled, the meeting was called to order at 7:35 p.m. at lower Town Hall.

Utility Petition 89-26 - Willis Road

Present: Joseph Bausk representing New England Telephone and Telegraph Co.

The Board reviewed Utility Petition No. 89-26 submitted by New England Telephone and Telegraph Company for conduit installation in Willis Road. Joseph Bausk, representative for the Company, advised that a favorable response will allow the Company to access the existing underground system and bypass a congested pole.

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 17, 1989.

It was on motion of Selectman Wallace unanimously

VOTED: To approve Utility Petition 89-26 of New England Telephone and Telegraph Company for permission to lay and maintain a distance of 199 feet of conduit under the westerly side of Willis Road beginning at the intersection of Maynard Road and running southerly to existing Pole 2, as shown on plan entitled "Plan for Conduit to Accompany Petition of New England Telephone and Telegraph Company," N.E.T. & T. Co. No. 89-15, dated October 5, 1989.

Warrant - Special Town Election

It was on motion unanimously

VOTED: To sign the Warrant for the November 20, 1989 Special Town Election which places a debt exemption ballot question before the voters pertaining to Article 5 approved by the October 17, 1989 Special Town Meeting.

Town Audit

It was on motion unanimously

VOTED: To sign a letter dated October 27, 1989, addressed to Arthur Young & Company, Auditors, setting forth representations relative to the Fiscal Year 1989 Town Audit.

Minutes

After discussion, it was on motion unanimously

VOTED: To approve the minutes of the Regular Session of October 16, 1989, as amended.

Site Plan Special Permit 89-311, Paris Realty Trust, 490 Boston Post Road

The Board reviewed the Notice of Decision drafted by Town Counsel relative to the Board's approval on October 16, 1989 of Site Plan 89-311 of Paris Realty Trust (for Chiswick Trading Company).

After discussion, it was on motion unanimously

VOTED: To grant a Site Plan Special Permit to Paris Realty Trust (for Chiswick Trading), at 490 Boston Post Road, in accordance with Site Plan Application #89-311 for revision of Site Plan Special Permit #85-293-2 relative to the Phase II portion, involving reduction by approximately 30,000 sq. ft. of approved building for mixed limited industrial use and new construction of an 11,450 sq. ft., 500-seat theater, as shown on plans entitled:

- "Site Plan of Land in Sudbury, Mass. Owner/Applicant: Paris Trust, 33 Union Ave., Sudbury, Mass.", drawn by Schofield Brothers, Inc., comprised of the following:

Phase II "Parking, Utilities and Lighting", dated March 27, 1987, Rev. 5/25/89, 10/13/89, Sheet 1 of 4;

Phase II "Grading and Drainage", dated March 27, 1987, Rev. 5/25/89, 10/13/89, Sheet 2 of 4;

"Detail Sheet", dated August 26, 1985, Rev. Oct. 8, 1985, May 8, 1986, Aug. 21, 1986, May 8, 1987, May 25, 1989, Oct. 13, 1989, Sheet 3 of 4;

Phase II "Landscape:", dated May 25, 1989, Sheet 4 of 4;

- "Chiswick Park Addition", drawn by DRL and Associates, Inc., showing floor plan and elevations, Sheets 1 and 2;

- "Nickerson Theatre Club", drawn by DRL and Associates, Inc., dated 5/15/89 showing floor plan, elevations, and building section, Sheets A-1, A-2 and A-3;

subject to compliance with all governmental laws and regulations, including but not limited to, the Wetlands Protection Act, zoning, building and health laws and regulations, and further subject to the following provisions:

- 1) compliance, to the fullest extent consistent with this Decision, with the vote of the Board of Selectmen set forth in Site Plan Notice of Decision, dated August 25, 1986, which decision is incorporated into and made part of this Decision, except that said vote shall be amended to remove the restriction that commercial development be limited to warehouse and office use, noted as 14)E, and item 14)F shall be amended to state as follows; "F. industrial development storage is limited to non-toxic, non-hazardous materials";

- 2) approval of the drainage system, including traps and catch basins, by the Town Engineer and regular and continual inspection by the Town of the drainage system for Phase II, specifically pipe joints and bedding;
- 3) no use of salt or chemical de-icers on the site;
- 4) Town's right of access for periodic testing and monitoring of all monitor wells on the site; applicant will continue to monitor the water quality at well #103;
- 5) approval of signing or advertising devices as required under the applicable provisions of the Zoning Bylaw;
- 6) approval by the Selectmen of the final landscaping plan and the architectural rendering of the proposed buildings, showing the front and side features as they will appear from the public way or private access;
- 7) as stipulated, and agreed to, in written reports as follows:
  - building must be fully sprinklered and the sprinkler plans must be stamped by a registered professional engineer certifying that fire flows are adequate, as stipulated by the Fire Chief in communication dated July 12, 1989;
  - monthly pump meter readings for the first six months of theater operation and annual readings thereafter, as stipulated by the Health Director in communication dated July 28, 1989;
  - striping of the future parking spaces on the northerly site with the exception of the 43 spaces at the northwest corner, as stipulated by the Zoning Enforcement Agent in communication dated July 27, 1989;
- 8) no building permits for Phase II shall be issued until items 2 (with the exception of the inspection requirements), and 6 of this approval and those items listed under 17) of the Special Permit Site Plan 85-293-2 Notice of Decision relevant to Phase II are satisfied;
- 9) no occupancy permit shall be issued until item 5 of this approval and those items listed under 18) of the Special Permit Site Plan 85-293-2 Notice of Decision relevant to Phase II are satisfied;
- 10) this Special 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 decision.

Relative to the questions of seating limitation, timing of matinee performances, and the applicant's request for maximum seating on Friday and Saturday evenings if seating was otherwise limited, after discussion, it was on motion of Selectman Wallace unanimously

VOTED: To recommend to the Board of Appeals that 1) the seating be limited to 400 patrons, with a review by said Board in consideration of increasing that

number after a six-month trial period; 2) this stipulation should not be waived for Friday and Saturday evening performances; and 3) matinee schedules should be staggered, e.g., 2 p.m. one week and 4 p.m. the following week, so that a determination can be made relative to the effect upon traffic during a trial period.

187th Town Forum

At 8:00 p.m., the 187th Session of the Town Forum was convened consisting of reports of Town officials, Boards and Committees, a summary of which is on file in the Selectmen's Office. The Selectmen's meeting reconvened at 9:15 p.m.

Committee Appointments - October 17, 1989 STM, Art. 6.

Present: Ralph Tyler; Conservation Commissioner Frances Clark.

Executive Secretary Thompson advised that he had met with local Unisys Representative Ralph Tyler concerning the formation of a Committee as instructed under the referral of Article 6 of the October 17, 1989 Special Town Meeting relative to Research District No. 1, and requested permission of the Selectmen to contact Unisys directly to solicit their participation in such a Committee. The Board concurred.

Mr. Thompson advised also that he had contacted Concord's Town Manager on October 19 and suggested that representatives might be appointed from the DPW, Planning, and Natural Resources departments.

In addition to the names presented by Mr. Thompson for the Board's discussion in a memorandum dated October 20, Mr. Thompson passed on Mr. Tyler's suggestion that the Town's Finance Committee be contacted to see if they would like to participate and appoint a member to act as liaison. The Board was in agreement with this suggestion.

Mr. Thompson recommended that the Committee, in keeping with the vote, address only the issue of zoning which, in his opinion, was the only task possible in the time frame available. Chairman Drobinski opined that the issue of zoning has many components inferring that it was compatible with the wording of the referral "for the purpose of developing a land use objective" under Article 6. Selectman Cope stated that she would prefer to leave that decision up to the Committee, which will be an official committee of the Town.

The Selectmen agreed to submit the following Sudbury candidates to the Planning Board for consideration and concurrence:

Selectmen	- David A. Wallace; Judith A. Cope, ex-officio
Planning	- Russell P. Kirby; Lee Newman, ex-officio
Water District	- Robert H. Sheldon; Richard Carroll, ex-officio
Conservation	- Stephen Yeo or Frances Clark (Commission to decide); Deborah Montemerlo, ex-officio.

Later in the evening the list was presented to Planning Board Chairman Russell Kirby who stated his concurrence with the recommendations. It was agreed that Town Planner Lee Newman would make contact with the proposed

members and arrange for the first meeting. Mr. Thompson noted that he would be conferring with Ms. Newman to provide whatever assistance desired.

Carding Mill Building Use - SVT

Present: Frances Clark, Conservation Commission; Robert Anderson, President, Sudbury Valley Trustees; William B. Gagnebin, AIA, Architect and member of Sudbury Valley Trustees.

Conservation Commission member Frances Clark described the condition and configuration of the Carding Mill building, stating that it is in need of extensive renovation. Ms. Clark stated that, in principle, the proposal set forth, under date of September 5, 1989, by the Sudbury Valley Trustees seems to be reasonable; however, she reiterated the Commission's concerns enumerated in a Conservation Commission memorandum to the Board of Selectmen, dated October 18, 1989. Of particular concern is the rental amount and interconnected issues of length of lease, escalation of rent given changing market conditions, and amortization of the cost of construction.

Sudbury Valley Trustees President Robert Anderson stated that subsequent to meeting on September 28, 1989 with the Board of Selectmen, Conservation Commission representatives, and a representative of Northland, the Trustees met once with the Conservation Commission as a whole and once informally with a sub-group. As a result of these meetings and in response to the Commission's concerns that modifications to the building be compatible with future residential use, Architect Gagnebin was requested to design two apartments and an overlay plan of SVT's office space requirements so that the space as remodeled could be converted in the future without major expense by the Town. Mr. Gagnebin described the plans, stating that he believed a \$100,000 renovation budget was a reasonable one if there were no major structural defects encountered; however, he noted that this estimate was not derived from a detailed cost review. Mr. Gagnebin stated that a major portion and expense of the renovation involved complete replacement of the windows with thermal units. He estimated that it would cost the Town approximately \$35,000 for future conversion to residential use, mainly with respect to the kitchen facilities since basic plumbing would be in place in proper locations.

When queried about the Commission's expressed intent to consider utilization of the building simultaneously for both office space and housing, Ms. Clark stated that there were too many complications in doing the two together and still preserve the building for future residential use.

Mr. Anderson presented a financial Analysis of Alternatives for Carding Mill, dated October 23, 1989, as perceived by the Sudbury Valley Trustees, describing three propositions and based on certain stated assumptions over a base period of years: 1) maintain building as is, resulting in a cost to the Town for insurance, maintenance, and utilities; 2) rehab at a cost of \$135,000 and rent 2 apartments deriving income, resulting in a deficit over the base period; 3) lease to SVT on the basis of no rental income since the cost of rehabilitation would be amortized over the base period, which would result in the cost to the Town of \$35,000 plus debt service for conversion to rental units. Mr. Anderson stressed that the cost to SVT would be such that it would require a longer lease period commitment.

Selectman Wallace stated that, while the Town was limited to a ten-year lease period by statute and no commitments could be made for a longer period, he would look at a long-term situation favorably. However, it is his belief that SVT had not produced anything tonight that has demonstrated that real long-term commitment to the Town, such as a combination of the rehabilitation of the building and payment of rent, and until that is forthcoming he did not believe it was in the Town's best interest to accept such a proposal.

Ms. Clark and Mr. Anderson both submitted that the way the plans were put forth this evening were as a result of the Conservation Commission's input and emphasis on the future residential use of the building and, on Mr. Anderson's part, the perception that SVT's occupancy was not perceived by the Town as long-term. Further, in answer to Chairman Drobinski, Mr. Anderson stated that, while the residential use was a major criteria for the design, the design configuration is suitable for SVT's office use, noting that SVT has five full-time employees and a few part-time employees.

Chairman Drobinski stated his opinion that the rehabilitation of the building would be the principal benefit to the Town, but that, as recommended by the Executive Secretary, further review of the financial impacts and cost of the proposed rehabilitation by Town officials was necessary prior to further discussion with SVT. The Board concurred with this approach and Mr. Thompson stated his intent to contact the SVT upon completion of the review.

#### Selectmen Reports

Selectman Cope brought to the Board's attention that Governor Dukakis had issued an Executive Order (No. 279) regarding recycling which might serve to stimulate the market place. Also, Ms. Cope reported that State Secretary of Transportation Salvucci was interested in the designation of certain roads as "corridors of critical concern", stating that Rt. 9 would certainly be eligible and perhaps Rt. 20. Chairman Drobinski noted that this designation may give those roads higher funding priorities.

#### Resignation - Election Officer

Noting that the Chairman of the Democratic Town Committee had been notified by the Assistant Town Clerk and requested to submit additional Election Officer candidates, it was on motion unanimously

VOTED: To accept the resignation of Election Officer (Democratic) Beverly Guild, effective immediately, and to thank her for her service to the Town in that capacity.

#### Chiswick Park Hazardous Waste Cleanup

The Board acknowledged test results from monitor wells on the former Coatings property, now owned by Chiswick, noting no volatile organics in well 104A at thirty-five feet, and reduced levels in well 104 from the February 1989 test. The memorandum, dated October 23, 1989, from Health Director Robert Leupold indicated that the Board discussed with the owner its intention that quarterly testing continue.

Also acknowledged was an October 3, 1989 request from the Sudbury Water District that the Board of Selectmen, on behalf of the Water District and the Town, pursue action by the State Department of Environmental Protection (DEP) on a recommendation for the clean-up of the hazardous waste site on the former Coatings property, on which it was noted that laboratory analysis of monitoring wells show elevated levels of contaminants, most notable being vinyl chloride.

On motion of Selectman Cope, it was unanimously

VOTED: To direct the Executive Secretary to draft a letter to the Department of Environmental Protection (DEP) requesting a meeting to discuss the remedial action and timetable to be recommended by the DEP for the former Coatings property hazardous waste site.

Davis Land Stump Dump

Mr. Thompson apprised the Board of the meeting proposed with the Town Engineer and the Superintendent of Parks and Grounds Management to discuss the creation of a stump dump at the Davis Land. The Board noted receipt of a copy of a memorandum to the Park and Recreation Commissioners from Commissioner Donald Soule that approval for such a project be in conjunction with the creation of a Town driving range utilizing the Highway Department heavy equipment and taking into consideration the major concerns of the residents. Mr. Soule's memo stated his belief that income derived from such a venture could offset the salary of a fulltime P&R Director and the pool deficit. Mr. Thompson stated his agreement.

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