

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 28, 1983

Present: Chairman William J. Cossart, John E. Murray and Anne W. Donald.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Chairman Cossart.

Stone Property - Agricultural Preservation Restriction

Present: Chairman Richard O. Bell and Lynne H. Remington, Conservation Commission; William P., Olive T. and Anne Stone, Stone Tavern Farm.

Chairman Cossart convened a meeting with the Conservation Commission to discuss the question of the Board commenting on an application for an Agricultural Preservation Restriction, under Chapter 780 of the Acts of 1977, as amended, for property owned by William P. and Olive T. Stone, off Boston Post Road and Horse Pond Road, known as Stone Tavern Farm.

Mrs. Lynne H. Remington of the Conservation Commission explained that the Stones, owners of a sixty-six acre parcel of land on Route 20 (near the Fire Station), known as Stone Tavern Farm, are interested in putting their farm into an Agricultural Preservation Restriction so that the Farm may be passed on to their children and continued as a working farm. The purchase of development rights by the State, through this program, would make it more economical for the Stone family to continue farming the land.

Mrs. Remington pointed out that the process is a cumbersome one, and requires comment from the Selectmen, the Conservation Commission and the Planning Board. Each application is approved by the State - she pointed out that the Stone application will be number 91 on the list of properties presently being considered by the State - which takes into consideration such things as local contributions and the quality of the soil for farming. Mrs. Remington stated that the State will look more favorably on an application which shows substantial financial commitment from its municipality.

Mrs. Remington informed the Board that the Commission has voted to contribute \$5,000 from the Conservation fund for legal fees, title search, appraisals, etc. Mrs. Remington added that the State considers \$5,000-10,000 as a good total contribution from the Town, although many municipalities contribute more. She asked that the Selectmen give some consideration as to whether or not they would endorse a larger contribution.

Responding to Selectman Donald, Mr. Bell stated there is \$87,000 in the Conservation fund.

Responding to the Selectmen, Mrs. Remington stated that the State conducts two appraisals to determine the market value of the Stones' property relative to the purchase of development rights.

Mrs. Remington stated that she would get back to the Selectmen with a recommended amount to be contributed by the Town. She added that this application still has to go before the Planning Board before it is submitted to the State, and that she would need something in writing from the Selectmen regarding their position to be included on the application.

At the conclusion of discussion, it was on motion by Selectman Murray unanimously

VOTED: To support an application for an Agricultural Preservation Restriction, under Ch. 780 of the Acts of 1977, as amended, for property owned by William P. and Olive T. Stone, off Boston Post Road and Horse Pond Road, known as Stone Tavern Farm.

Town Fathers Forum

At 8:00 p.m. Chairman Cossart convened the 149th session of the Town Fathers Forum, a copy of which is attached and is part of these minutes.

Coatings Engineering

Present: General Manager Thomas C. Craig, Coatings Engineering, and Coatings' Consultant Tarik Pekin, Camp, Dresser and McKee (CDM); Fire Chief Michael Dunne; and Dr. Richard L. Stevens, Board of Health.

Subsequent to last week's continued consideration of Coatings' application for additional above-ground storage of inflammables, Chairman Cossart stated that he had spoken to Dr. Stevens of the Board of Health to discuss the information supplied to the Selectmen by Coatings just prior to last week's meeting and reviewed his conversation with Dr. Stevens as follows:

- Dr. Stevens confirmed that the information provided to the Selectmen was contained in reports submitted to the Board of Health.
- The Board of Health is seriously concerned with the emissions going up the stack, based on the fact that no data has been provided by Coatings despite repeated requests.
- The Board of Health feels its real strength is with the DEQE; very little progress was produced through the Town's efforts over the years.
- The Board of Health feels one alarming point is that Phenol continues to show up in the analyses despite the contention by Coatings that they no longer use this chemical.

Chairman Cossart expressed his opinion that the Selectmen have never received a concise, enthusiastic report from Coatings, and have had difficulty obtaining desired information from them.

Chairman Cossart continued to say that the Selectmen are not satisfied with the submittals of Camp, Dresser and McKee (CDM) due to 1) their failure to provide information; and 2) their telling the Selectmen to go on "good faith" - the new carbon system went askew, and after installation of new equipment and one good analysis, CDM feels the Selectmen have sufficient data on which to base their opinion.

Chairman Cossart expressed his opinion that the license should not be issued, pointing out that Coatings continues to demonstrate unwillingness to provide information. He recommended that the Board deny the license application.

Selectman Murray commented that, although he did not disagree with Selectman Cossart, the denial will still allow them to accomplish in three shifts what they would normally do in one or one-and-a-half phases - the Selectmen are not stopping anything that is going on, although the circumstances are different financially. He asked Town Counsel what recourse Coatings has if the Board denies the license.

Town Counsel replied that Coatings could appeal the Board's decision.

Selectman Donald stated that she did not disagree with what Selectmen Cossart and Murray said, adding that in granting the license Coatings may go back to their own ways of doing things.

Selectman Murray stated that Mr. Clifford Hughes (abutter - 27 Concord Road) asked him to witness the emanations from the smoke stack last Thursday, February 24. Selectman Murray stated they were just as bad as in the past.

Chairman Cossart substantiated that Coatings is presently authorized to have 165 gallons of inflammables above ground. The application is for 2,000 gallons which is a very large increase. Because of the restriction their process is impeded, and Selectman Cossart stated that he felt Coatings was anxious to get back into very high volume productions.

Selectman Murray pointed out they have heard the Board of Health express that their most effective way of dealing with Coatings is through the DEQE, but there will be zero effectiveness in the control of air emissions until DEQE has the reports of what is going up the stack.

Executive Secretary Richard E. Thompson informed the Board that Mr. Craig was expected at 9:30 p.m. The Board tabled further discussion until that time.

When Mr. Craig arrived with Consultant Tarik Pekin of Camp, Dresser and McKee, Chairman Cossart summarized the above and comments and discussion resumed.

Chairman Cossart stated that, while the Board of Health does not support the entire activities of Coatings, they do not see the license issue as a Board of Health matter. They feel that some improvements have been made through the DEQE regarding water pollution problems but not air emissions, and, because no data has been provided on air emissions, the Board of Health considers it a very serious situation.

Mr. Craig stated that the stack had been tested last week and was within regulations in every way.

Regarding Selectman Cossart's statement that the DEQE has never received an analysis of what is going up the stack, and, therefore, is making progress with the liquid effluent, but is significantly behind in the vapor portions, Mr. Craig stated that he is working through the DEQE and in accordance with their requirements on air emissions.

Concerning Selectman Cossart's statement regarding Phenol showing up in the test analyses despite the fact that Coatings does not have a license to store it on the property, Mr. Craig admitted that small quantities of Phenol were contained in some of the raw materials previously used by Coatings, but not now!

Selectman Cossart stated that the Selectmen feel terribly frustrated with CDM's presentation - that it took a lot of probing and that left the Selectmen uncertain about what was going on; they had expressed unwillingness to come in and tell the Selectmen all the steps and what the analytical success was; there never has been any kind of comprehensive presentation which left the Selectmen satisfied about what was going on at Coatings - that they just learned last week about hazardous waste in drums. Regarding that issue, Selectman Cossart reminded Mr. Craig that he has asked him for information regarding the hauling of the hazardous waste, the cost involved and the number of barrels under contract and to see a copy of the contract, and that the information had not been received.

Mr. Craig stressed that he thought they had satisfied the Board in that respect last week when they informed the Selectmen that the Board had seen a purchase order last July for hauling hazardous waste from the premises, (i.e., lagoon) and that the same had been accomplished in accordance with all regulations. Mr. Craig stated that he did not have a contract with a hauler to show the Board, but that he would follow required procedures for disposing of the same; using whatever licensed vendor that was available.

Chairman Cossart stated that he had asked for specific information last week and did not receive it, and that that is indicative of what has been going on for the past couple of years with Coatings.

Responding to Chairman Cossart's comment that CDM had asked the Board on a single analysis to have faith - that the carbon system had been replaced and now everything is fine, Mr. Pekin said that CDM has a program to follow under a court order. The steps are: to install a carbon system, to prepare reports to be submitted to the State describing everything in the plant with all the necessary analyses, and to furnish the final design. Mr. Pekin stated that these things have to follow each other - it is an on-going program, and that the Selectmen are asking for results of this program which is not finished. He further stated that the data they had prepared for the Selectmen was specifically to answer a question regarding the carbon system - nowhere is it implied that the work that is going on is completed.

Chairman Cossart reiterated that the Board has no knowledge of what is going up the stack, a vital component of the process that is underway is holding materials (hazardous waste) in barrels, the Board is still uncomfortable about the liquid, as well as the air discharges, especially because of the traces of Phenol, and the Board has not seen sufficient data to see that the carbon system is doing anything about the organics which continue to show in the analyses. Selectman Cossart stated that, with the license approval, substantially more material may be used with more discharge via the stack and into the ground water and he would like to know more about the composition of these discharges.

Selectman Donald stated that the fact there was a re-application indicated to her Coatings was telling the Selectmen the problems were being taken care of, but there is no definite proof of that. Selectman Donald indicated some doubt regarding the new equipment, i.e., what precautions were being taken regarding another breakdown?

Mr. Craig stated that it was only for a three-week period that the equipment was broken down.

Mr. Pekin stated that the present situation of dipping in a small container adversely affects the situation by causing small spillages, which could be resolved by issuance of the license under discussion, allowing the usage of the large primer (dipping) tank. However, Mr. Pekin continued, he is being asked to improve this situation, but he is not allowed to make any changes!

After further consideration and discussion, it was on motion by Selectman Cossart unanimously

VOTED: To deny the application dated January 17, 1983, of Coatings Engineering Corporation, for a license to store aboveground 2,000 gallons of inflammables, Methyl Ethyl Ketone, Methyl Isobutyl Ketone, Toluene and Isobutanol, Class A, on property located at 33 Union Avenue, for all reasons, as stated above.

Support Sale of Middlesex County Training School

The Board acknowledged receipt of a communication dated February 17, 1983, from the Chelmsford Board of Selectmen's Executive Secretary, Norman E. Thidemann, and following a brief discussion, it was on motion by Selectman Donald unanimously

VOTED: To communicate to the County Commissioners the Board of Selectmen's support of the sale of the Middlesex County Training School to the University of Lowell.

Resignation - Sign Review Board and Industrial Development Commission

It was on motion by Selectman Donald unanimously

VOTED: To accept with regret letters of resignation from Leon Zola from the Sign Review Board and the Industrial Development Commission, both dated February 16, 1983, and to forward a letter of appreciation to Mr. Zola for his many years of service on said boards.

Minutes

It was on motion by Selectman Murray unanimously

VOTED: To accept the minutes of the Regular Session of February 23, 1983, as amended.

Public Hearing - Automotive Diagnostic Center

Present: Fire Chief Michael Dunne; Building Inspector Joseph E. Scammon; Atty. Richard Duggan for Automotive Diagnostic Center, and George Gordon, prospective owner and operator.

Chairman Cossart convened a public hearing on the following two applications of William G. Higdon, Automotive Diagnostic Center, 100 Boston Post Road: a. for a license to store underground 40,000 gallons of inflammables (30,000 gallons gasoline and 10,000 diesel fuel); and b. Site Plan #83-253 related to the above storage and gas pumps.

Executive Secretary Richard E. Thompson stated that all appropriate Town officials and abutters had been notified of this public hearing.

a. Storage License.

Mr. Thompson noted receipt of and read the following communications:

- from the Fire Chief, dated February 24, 1983, supporting the application subject to the provisions of 527 CMR 9.06 (10) through (20) and the Town of Sudbury Bylaws, Article V, Section 25; and
- from the Conservation Commission, dated February 23, 1983, suggesting that underground storage tanks should be carefully scrutinized, i.e., to avoid placement in ground water and provide for testing for leaks.
- (See Health and Building Department reports under the following Site Plan discussion.)

Atty. Richard Duggan for Mr. Higdon, explained the location of the four new tanks.

Responding to the Selectmen's question regarding the type of station, Mr. Gordon stated that he had talked with Gulf, Texaco, Amoco and Chevron distributors but no firm commitment had been made so far.

There was some conversation regarding the tanks, during which the Chief confirmed his approval of the use of "STIP 3" (steel), instead of fiberglass tanks. Responding to Chairman Cossart, Chief Dunne stated that these would have cathodic protection; the tanks are coated on the outside, and have a 20-year guarantee. The Department will check the soil test submitted by the company prior to installation, will observe the installation, will pressure-test the tanks for a period before they are covered, and the tanks will then be tested periodically in accordance with the State regulations.

It was on motion by Selectman Donald unanimously

VOTED: To grant the above-noted license.

Upon protest from an interested party, it was on motion unanimously

VOTED: To rescind the above vote for the purposes of further discussion.

Atty. Sheldon Pitchel introduced himself and stated he was representing the owners of the Mercury gasoline station on Route 20 in opposition to the granting of the license. Responding to Mr. Pitchel, Mr. Gordon stated that there was formerly a gas station on this site - a Shell station - from 1963 to 1979.

Mr. Pitchel mentioned there may be a problem regarding a deed restriction on the property. He further stated his client feels, because there are so many gas stations in Sudbury, there may not be enough business to go around.

Responding to Selectman Donald, Mr. Gordon stated that it would be a full-service station.

At the conclusion of discussion, it was on motion by Selectman Murray unanimously

VOTED: To grant a license to store underground 40,000 gallons of inflammables (30,000 gallons gasoline and 10,000 gallons diesel fuel), to William G. Hidgon, Automotive Diagnostic Center, 100 Boston Post Road, subject to approval of the installation by the Fire Chief.

b. Site Plan #83-253;

Mr. Thompson noted receipt of the following communications:

- from the Planning Board, dated February 28, 1983, recommending approval conditioned on amending the plan to show thirteen parking spaces and recommending waiving the landscaping bylaw requirements with some additional landscaping to be provided on the property;
- from the Board of Health, dated February 28, 1983, recommending installation of two monitoring wells on the easterly side of the storage tanks to detect leaks or spills;
- from the Building Inspector, dated February 25, 1983, stating his opinion that the zoning bylaw does not mandate the number of parking spaces for a filling station and recommending approval and that the landscape bylaw be waived;
- from the Conservation Commission, dated February 23, 1983, indicating no Wetland Protection Act action is required.
- from the Town Engineer, dated February 4, 1983, recommending approval conditioned on waiving the landscape bylaw, with some additional landscape to be provided, and amending the plan to show thirteen parking spaces.

Responding to Selectman Donald regarding the differing opinions of the Building Inspector and the Town Engineer (and Planning Board) about parking spaces, the Building Inspector stated that under the Zoning Bylaws, where they are "silent" on certain requirements, the Planning Board may impose requirements for such parking spaces. It was agreed that the thirteen parking spaces should be shown on the plan.

Replying to Atty. Duggan regarding the Board of Health's recommendation that two monitoring wells be installed, the Fire Chief stated his system of monitoring, which is in accordance with State Fire Prevention regulations, would be sufficient, and the Board agreed that the wells were unnecessary.

Atty. Pitchel disagreed, as he felt the wells were a safeguard for pollution and the Chief's monitoring is for spills and leaks.

It was on motion by Selectman Murray unanimously

VOTED: To approve Site Plan #83-253 of William G. Higdon, Automotive Diagnostic Center for property located at 100 Boston Post Road, in conjunction with the above-issued storage license, subject to the following:

- that the plan be amended to show thirteen parking spaces and revised location of the four underground storage tanks, which are to be installed on the easterly side of the site;
- that the Town's new landscape bylaw be waived, but with concurrence of the applicant, landscaping would be addressed on a voluntary basis.

Sign Warrant - 83ATM

Following a brief discussion, it was on motion unanimously

VOTED: To sign the Warrant for the 1983 Annual Town Meeting and the April 4, 1983 Emergency Special Town Meeting.

Schedule Meetings

It was on motion unanimously

VOTED: To schedule Selectmen's meetings, as follows:

- a. To reschedule the regular meeting of Monday, March 28, to Wednesday, March 30, and to set the time for the 1983 Annual Town Meeting Warrant Review on March 30, 1983, at 8:00 p.m.;
- b. To schedule meetings at 7:00 p.m. each night of the Town Meeting at the Lincoln-Sudbury Regional High School Library, beginning April 4, 1983; and
- c. To cancel Town Fathers Forum during March and April.

Speed Humps - Dudley Road

Selectman Murray raised a concern of liability dealing with the Board's proposal for speed humps on Dudley Road after speaking with Halls Insurance, who had been contacted by Robert Noyes, Highway Surveyor. Mr. Thompson stated that a letter had just been received from Mr. Noyes directed to Town Counsel on that subject, and that he would report back to the Board.

Middlesex County Meetings

Selectman Donald informed the Board of an upcoming Middlesex County Budget hearing in Reading and a voting meeting to be held in Concord, March 22.

83ATM Article 25 - Discontinue Portion Powder Mill Road

Following a brief discussion, it was on motion by Selectman Cossart unanimously

VOTED: To support Article 25 - Discontinue Portion of Powder Mill Road, and to amend the Warrant to include the Board's position.

Longfellow Road

The Executive Secretary referenced a letter from Assistant Town Counsel Thomas M. French, dated February 28, 1983, bringing to the Board's attention that the 1983 Annual Town Meeting Warrant has an article requesting the acceptance of a portion of a way named Longfellow Road, while a previously accepted portion of the way was accepted as Longfellow Street. Alternatives for resolving this matter will be discussed at the Selectmen's March 21st meeting, in conjunction with the public hearing concerning said 1983ATM article.

Communications Received

The Executive Secretary distributed the following two communications to the Board:

- from the State Department of Environmental Quality Engineering, dated February 18, 1983, as a follow up to a communication of February 8, 1983, confirming continued certification with conditions of Arnold Greene Laboratories, involved in lead analysis of Sudbury's drinking water; and
- a letter to Selectman Murray from Jeffrey K. Schaffer, President of the Lincoln-Sudbury Parents Organization, concerning a desire to have a Proposition 2 1/2 override question on the March ballot if financial restraints will affect the educational integrity of our local High School.

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