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IN BOARD OF SELECTMEN  
MONDAY, DECEMBER 22, 1986

Present: Chairman Josiah F. Frost, Anne W. Donald and David A. Wallace.

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

Utility Petitions 86-18/Centre Street & 86-19/Boston Post Road

Present: Carol McManus, Boston Edison Company.

In conformity with General Laws, Chapter 166, Section 21 and 22, the Board considered Utility Petition 86-18 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay and maintain, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, under the following public way of the Town:

Centre Street - approximately 445 feet northeast of Pratt Mill Road, a distance of about 95 feet - conduit

Centre Street - easterly approximately 445 feet northeast of Pratt Mill Road, a distance of about 40 feet - conduit

Executive Secretary Richard E. Thompson noted that all appropriate abutters and Town officials had been notified.

It was on motion unanimously

VOTED: To approve Utility Petition 86-18, as described above, and as shown on plans entitled, "Boston Edison Company, Plan of Centre St., Sudbury, Showing proposed location customer conduit", dated August 25, 1986, and "Plan for Proposed Conduit Location To Accompany Petition of New England Telephone and Telegraph Company", dated December 12, 1986.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered Utility Petition 86-19 of Boston Edison Company for permission to lay and maintain, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, under the following public way of the Town:

Boston Post Road - approximately 215 feet northeast of Garrison House Lane, a distance of about 50 feet - conduit

Executive Secretary Richard E. Thompson noted that all appropriate abutters and Town officials had been notified.

It was on motion unanimously

VOTED: To approve Utility Petition 86-19, as described above, and as shown on plan entitled, "Boston Edison Company, Plan of Boston Post Rd., Sudbury, Showing proposed location of customer conduit", dated November 14, 1986.

Sale of Forest Products/Sudbury State Forest

The Board noted receipt of communication from Gilbert A. Bliss, Director, Division of Forests & Parks, Department of Environmental Management, dated December 9, 1986, relative to its proposed plans for the sale of forest products from the Sudbury State Forest off Hudson Road (northerly side).

The Board supported the proposed plan.

Conservation Commission Land Management Reports

The Board accepted land management reports for 1986 from the Conservation Commission concerning 1) Surrey Lane parcel, 2) Raymond Land parcels, and 3) Parkinson Land, dated November 16, 1986. Upon recommendation of Executive Secretary Richard E. Thompson, the Board agreed not to enter into any long-term lease on the Parkinson property in the near future, and to request Mr. Thompson continue his discussions with the Conservation Commission Coordinator regarding future leases (Cutting) on the property.

Deeds/Newfell & Waite

It was on motion unanimously

VOTED: To sign deeds, approving receipt by the Town, for two gifts of land to be under the direction and control of the Sudbury Conservation Commission, as follows: 1) approximately 2 acres of land from Caroline E. Waite, denoted as Parcel 504 on Assessors' Maps B08 and C08, located off Route 117 and Powers Road within "Cedar Swamp"; 2) approximately 21.1 acres of land from Philip J. Newfell, Jr., and Marjorie Newfell, located off Concord Road, being a portion of Parcel 400 on Assessors' Maps E10 and E11, and shown as Parcel B on a plan of land entitled "Plan of Land in Sudbury, Mass. Owned by: Philip J. Jr. & Marjorie A. Newfell, Survey by: Colburn Engineering, Inc., 454 Main Street, Hudson, Mass." dated September 10, 1986.

Expenditure/Hosmer Memorial Fund

Following receipt of communication dated December 10, 1986 from Marilyn A. MacLean, Chairman, Office of Historical Commission, it was on motion unanimously

VOTED: To authorize an expenditure of \$427.06 from the Edwin Barrett Hosmer Memorial Fund to pay the final bill of Pairpoint Glass Company for a new issue cup plate.

Note Renewal/Powers Land

It was on motion unanimously

VOTED: To confirm the Board's signing of a Reimbursement Anticipation note in the amount of \$239,200 on December 9, 1986, relative to purchase of the Powers land.

Transfer Requests

It was on motion unanimously

VOTED: To approve transfer request 87-37, dated December 11, 1986, for transfer of \$5,000 from the Reserve Fund, to Account 950-953, Unclassified-FICA/Medicare, Account 950-953, a new account, to meet Federal mandate; and it was also

VOTED: To approve Building Department transfer request 87-40, dated December 16, 1986, for transfer of \$350 from Building Department Line Item 340-320, Town Buildings Maintenance, to Line Item 340-310, Vehicle Maintenance.

#### Estimated Fiscal Growth, 1988

The Board acknowledged, with thanks, receipt of communication dated December 15, 1986, from the Board of Assessors providing preliminary estimates for growth for FY1988 at \$30,000,000 for residential growth and \$2,500,000 for commercial/industrial/personal property.

#### Holiday Serving Hours

It was on motion unanimously

VOTED: To grant permission to extend serving hours on December 31, 1986, New Year's Eve, to 2:00 a.m. on January 1, 1987, to holders of alcoholic beverages pouring licenses in Sudbury.

#### Schedule of Street Acceptance

Following receipt of communication from Janet Silva, it was on motion unanimously

VOTED: To approve a schedule of action, dated December 17, 1986, for laying out of streets to be accepted at the 1987 Annual Town Meeting.

#### Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of December 15, 1986 as submitted.

#### Citizens Advisory Committee/Sudbury River Diversion

Selectman Donald reported that she had attended a meeting with the Citizens Advisory Committee regarding the Metropolitan District Commission's Sudbury River diversion. She stated that there has been a three-year delay in the program, but that the Sudbury River diversion was not included in the delay. The Citizens Advisory Committee requested Representative Lucile Hicks assure that the committee was still considered an official Citizens Advisory Committee and will receive the appropriate funding for continuing the study as there are a number of problems related to measuring and controlling how much water is diverted from the Sudbury River. The Committee will meet again during the first week in January, 1987.

#### Police Officer Chaffee

Executive Secretary Richard E. Thompson reported to the Board that, following receipt of communication dated December 19, 1986 from Police Chief

Peter B. Lembo, Town Counsel has been provided with copies of the related correspondence and requested to prepare documents relative to the matter. This will be on an upcoming agenda for hearing in executive session.

#### Conservation Commission/Budget

The Board received a revised budget from the Conservation Commission and a communication dated December 15, 1986 from the Conservation Commission advising that the amount requested for the Conservation Fund is \$125,000, and includes approximately \$85,000 from the sale of the town properties on Pratts Mill Road and Crystal Lake Drive.

Executive Secretary Thompson stated that his recommendation will be that the Board support a request for \$85,000. The subject of additional clerical help will be discussed by the Finance Committee for recommendation to 1987 Annual Town Meeting.

#### Finance Committee Hearings

The Board received a copy of the scheduled budget hearings of the Finance Committee to begin in January 1987.

#### Youth Commission

Selectman Donald requested that the Executive Secretary refer to the Youth Commission for comment, a communication dated December 18, 1986, from Richard A. Goldblatt, Executive Director of the Concord Family Service.

#### Long Range Planning Committee (LRPC) Five-year Capital Expenditure Reports

Present: Joseph W. Mooney, Chairman; Robert D. Abrams; Theodore A. Barten; and Robert G. Johnson.

Mr. Mooney reported that the Long Range Planning Committee (LRPC) has reviewed the five-year capital budgets submitted by various Town Departments, Boards, Commissions and Committees. The consolidated total of all requests submitted is \$10,966,226 with \$2,974,576 specifically targeted for FY1987/88. Last year's consolidated total was \$5,171,949, with \$1,397,375 scheduled for FY1987/88.

The LRPC is reviewing long range effects of these capital budgets with regard to prioritization, accountability, maintenance and possible consolidation or expansion. The Committee notes that the approval of various money articles expands the responsibilities and possibly the operating budgets of the particular board or committee.

The Committee discussed the possibility of a weekend Annual Town Meeting and Special Town Meeting to accommodate two-worker families who require time to travel to and from work.

The Committee suggested that the Town may want to consider combining requests from various boards and committees and fund the combined dollar amount through a bond purchase.

Mr. Johnson suggested the Town set aside the fees obtained from permits at the landfill for future use to meet requirements of the Department of Environmental Quality Engineering. Mr. Thompson reported that the Resource Recovery Committee would be meeting on January 8, 1987 and that the LRPC would be notified and would be able to have direct input during the meeting.

Members of the LRPC suggested that space in various town and school buildings could be utilized in a more efficient manner, and that some areas of maintenance at the Lincoln/Sudbury Regional High School could be more efficiently accomplished by sub-contracting the labor.

On the matter of taking a position on the articles that the LRPC intends to submit to the April Town Meeting, it was a consensus of the Board at this time to support an article to increase the Stabilization Fund by \$400,000 (which is identical to the Finance Committee's recommendation); and to support the appropriation of \$75,000 to study the efficiency of present Town buildings and space utilization by the various Town employee/departments, service departments and educational facilities, as referenced in the LRPC's memorandum of December 22, 1986.

Chairman Frost thanked the Committee for an excellent report and advised that the Board would study the report and meet again with the Long Range Planning Committee in preparation for Town Meeting.

#### Hughes Land/Concord Road

Present: Mr. Clifford J. Hughes, 27 Concord Road; Conservation Commission Members; Conservation Coordinator Deborah Montemerlo; Steven J. Swanger and Executive Director JoAnn Howe, Sudbury Housing Authority; Nancy Valentino and Roy Smith, R. Smith Associates; Board of Health, Michael W. Guernsey; and abutters Dorothy and Jerome McGonagle, 52 Concord Road.

Chairman Frost opened discussion on the question of exercising the Town's sixty-day first refusal option, under General Laws Chapter 61A, §14, to meet a bona fide offer with respect to a notice of intent of Mr. Clifford Hughes and Hughes Realty Trust, to sell a parcel of land identified on Assessors' Map K08 as Parcel 027, containing 16.73 acres, assessed on the basis of agricultural or horticultural use, to Roy C. Smith for use other than agricultural or horticultural. (Subject continued from the Board's November 24, December 8, and December 15 regular meetings and the December 15 executive session).

Chairman Frost advised that since the last meeting, communications have been received from the Board of Health dated December 22, 1986 noting that preliminary testing revealed that a large portion of the site cannot support septic systems, and that the issue cannot be resolved until definitive testing is completed; the Board of Assessors dated December 18, 1986 recommending that, 1) the Board of Selectmen exercise its option to purchase the Hughes property because the Town has invested \$13,881 in tax relief (under Ch.61A assessment) for this property, which it cannot recover; 2) & 3) the property is fairly priced, and could be exsessed and sold at a future time; and, 4) the Board of Assessors believes that discussions on the eventual use of the property should be separated from the discussions on exercising the option to purchase.

Previous correspondence had been received from the Sudbury Housing Authority dated December 10, 1986, and the Planning Board dated December 11, 1986.

Executive Secretary Richard Thompson advised that correspondence had been received from Mr. Hughes' Counsel, Attorney Nathaniel K. Brown, Brown & Brown, dated December 19, 1986, including a drafted Agreement dated December 22, 1986, signed by Mr. Hughes.

Chairman Frost stated the Selectmen are considering not to exercise the Town's sixty-day first refusal option to purchase the Hughes' land, that decision being dependent upon an agreement to be concluded between the Town, Clifford J. Hughes, Hughes Realty Trust, and Roy C. Smith.

Mr. Thompson read sections of the Agreement prepared by Attorney Brown as follows:

- a) To establish a conservation easement over that portion of the premises which lies below an elevation of 134' as shown on "Preliminary Sketch Plan of Land in Sudbury, Mass.," by Acton Survey & Engineering, dated December 19, 1986.
- b) To reserve a 15' wide non-exclusive walking easement along the Southerly side of the premises adjacent to land of DeCarlo and other land of Hughes from Concord Road to Hop Brook.
- c) That no septic systems should be placed within the Conservation easement.
- d) That not more than 8 single family residences or 20 multi-family residential housing units or condominiums be constructed upon the premises and that all septic systems therefor, shall comply with applicable State and Local rules and regulations.

The Board indicated that they liked Mr. Smith's plan for construction, and plan to actively seek support for its ultimate development.

Conservation Commission Chairman Gordon Henley expressed concern about elevation 134 as referenced in item "a" of the draft agreement and his desire that the easement include the total Conservation Open Space area as shown on the preliminary sketch of December 19, 1986 and that no septic systems be placed therein.

Mr. Guernsey of the Board of Health reported, that as stated in his communication of December 22, 1986, subsurface conditions will limit the development, but the degree is unknown until further testing is done.

Mr. Smith indicated on the above-referenced plan the residential area where the condominiums would be constructed, the conservation/open space, and the 134' contour (flood plain contour line), and the zone line. He explained as follows: In the green area of the plan, the developer is allowed (but does not intend to under this plan) to maintain structures below the ground. In this area of Town drains extend down from Concord Road. A retention pond may be considered for this area in the future. There are three areas suitable for septic systems plus one area that could be for expansion. Some of the suitable septic area is within the conservation/open space area. The area in the conservation space meets all requirements of Title V, is 100' away from all wetlands and would meet the Board of Health requirements for septic disposal

and, in Mr. Smith's opinion, must be maintained by Mr. Smith as possible septic space, to obtain approval for a construction loan from a lending institution.

Mr. Smith stated that testing was not done through the Board of Health on the upper portion of the land because of the short time available to reach a decision on an offer for the land.

If the Board of Health does not approve the septic area on the upper ground, the developer feels he must have an alternate area, and this would be in the conservation/open space.

For the record, the Conservation Commission stated that it could not support a septic system on the lower portion of the land.

Mr. Guernsey reported that the Board of Health has no information on the upper area regarding septic conditions.

Housing Authority member Steven Swanger said that in his opinion Mr. Smith could not restrict the occupancy of the units to persons over the age of 55. Also Mr. Swanger asked if Mr. Smith still intended to make 25% of the units available to the Town for moderate income people.

Mr. Smith said that as far as he could determine from discussions with the state regarding the Massachusetts Home Ownership Program, occupancy could be established for persons fifty-five years of age or older and he would either give the Town three units at no cost or sell five units to the Town at a reduced price as previously discussed, depending on the construction program utilized.

The Conservation Commission requested a conservation easement over that portion of the premises which lies below an elevation of 146', or that a 200' strip along the center of the brook be the proposed boundary of the green area.

Mr. Hughes and Mr. Smith did not agree to this request.

Mr. Smith said that he would not construct on the lower land unless the Board of Health did not grant approval for the septic system on the upper land. Mr. Smith said he would prefer to construct the twenty condominium units on the upper land; however, if that is not possible, he would construct single-family residences with three or four of them on the lower land.

Mr. Smith stated that the occupants of the units would have to be fifty-five or older, not the purchasers of the units. The occupancy would be monitored by the condominium association. This restriction will be in the individual deeds to the buyers of the units.

Mr. Jerome McGonagle spoke in support of the proposal.

Town Counsel and Selectman Wallace asked Mr. Smith if he had any problem with wording to the effect that Hughes and/or Smith shall apply for a variance from the Board of Health to pump the sewage for twenty units so that the septic system can be contained solely within the upper proposed housing area, and in the event that a variance is granted, no septic system will be allowed or installed in the area shown as conservation open space.

Mr. Smith replied he did not have a problem with that.

Following requests for other minor changes, the final Agreement to be prepared and signed by Mr. Hughes, Mr. Smith and the Board of Selectmen will read as follows:

AGREEMENT

It is hereby understood and agreed by and between the Town of Sudbury hereinafter referred to as Sudbury and Clifford J. Hughes and Hughes Realty Trust as their interests may appear hereinafter referred to as Hughes and Roy C. Smith, his successors and assigns, hereinafter referred to as Smith;

That Hughes is the owner of approximately 20 acres of land commonly known and numbered 53 Concord Road, Sudbury, hereinafter referred to as property. For title reference, see deeds being recorded at Middlesex South District Registry of Deeds at Book 11459, Page 0141 and Book 11459, Page 0140, and see Assessors Map K08, Parcel 27.

That Hughes has entered into a Purchase and Sales Agreement for the sale of the property dated October 29, 1986 to Smith.

That the property is the subject of a first referral option under General Laws Chapter 61A, Section 14.

That Sudbury has agreed to relinquish its option and

That Hughes and Smith have agreed:

- a. To establish a conservation easement over that portion of the premises which lies below an elevation of 134' as shown on "Preliminary Sketch Plan of Land in Sudbury - Mass. Prepared for Roy C. Smith 292 Great Rd. Acton. Mass." by Acton Survey & Engineering, Inc., dated December 19, 1986.
- b. To reserve a 15' wide non-exclusive walking easement along the southerly side of the premises adjacent to land of DeCarlo and other land of Hughes from Concord Road to Hop Brook and along the length of Hop Brook.
- c. That no septic systems should be placed within the conservation easement. Hughes and/or Smith shall apply for a variance from the Board of health to pump the sewage for twenty (20) units so that the septic system can be contained solely within the housing area as shown on the plan entitled "Preliminary Sketch Plan of Land in Sudbury - Mass. Prepared for Roy C. Smith 292 Great Rd. Acton. Mass." by Acton Survey & Engineering, Inc., dated December 19, 1986. In the event that a variance is granted, no septic system will be allowed or installed in the area shown on said plan as the Conservation open space area.



- d. That not more than eight (8) single-family residences or twenty (20) multi-family residential housing units or condominiums be constructed upon the premises in conformance with the plan entitled "Preliminary Sketch Plan of Land in Sudbury - Mass. Prepared for Roy C. Smith 292 Great Rd. Acton. Mass." by Acton Survey & Engineering, Inc., dated December 19, 1986, and that all septic systems therefor shall comply with applicable State and local rules and regulations. The multi-family residential housing units or condominiums shall be restricted to citizens at least 55 years of age. Hughes and Smith further covenant that they will not construct single family housing on the parcel until they have exhausted all efforts to obtain permits for the construction of the twenty-units for persons over 55 years of age and have received a final disapproval.
- e. In the event that the State will not participate in the age restriction, Smith and/or Hughes will deed to the Town a gift of three units to be restricted to persons age 55 years of age or older. [In the event that the State does participate in the aforementioned, Smith and/or Hughes will allocate twenty-five percent (25%) of the units for first-time buyers age 55 and over of moderate income as represented to the Board of Selectmen on December 8, 1986.]\*

\*This sentence was added December 23, 1986 with the concurrence of all parties concerned.

In consideration of the above discussions, representations, promises and agreements by Mr. Hughes and Mr. Smith, it was on motion unanimously

VOTED: Not to exercise the Town's sixty-day first refusal option, under General Laws Chapter 61A, §14, to meet a bona fide offer with respect to a notice of intent of Mr. Clifford Hughes and Hughes Realty Trust, to sell a parcel of land identified on Assessors' Map K08 as Parcel 027, containing 16.73 acres, assessed on the basis of agricultural or horticultural use, to Roy C. Smith for use other than agricultural or horticultural.

The Agreement will be finalized in the Selectmen's office tomorrow, December 23, 1986 and signed by Mr. Hughes, Mr. Smith and the Board of Selectmen.

Following the vote, Mr. Swanger asked what Mr. Smith would do, if the state would not allow the restriction of occupancy to persons over the age of fifty-five.

Mr. Smith responded that he would construct under another program.

Chairman Frost stated that the Board has expended considerable time in reaching this decision and noted for the record that the Board's decision not to exercise the purchase option was based on the following major reasons:

1) expressed neighborhood support of the so-called Smith plan and opposition to any Town purchase;

2) the Board has checked Mr. Smith's credentials and is impressed with his past development record, supported by a recent December 18, 1986 article in the Concord Journal which reports on a partnership development between Roy Smith and the Concord Board of Selectmen;

3) that the Town (Board of Selectmen) should not be involved in housing program developments, especially on land that is speculative;

4) the Board of Health letter dated December 22, 1986, which questions the Town cost of the property (\$800,000) when the potential of the land for development has not been established;

5) that it is unlikely a Special Town Meeting, by 2/3 vote, would approve said purchase for moderate or low income housing with neighborhood opposition.

#### Route 20 Task Force

Present: Chairman Susan LaTour, Peter H. Anderson and James W. McKinley,  
Route 20 Task Force.

The Board met with the Route 20 Task Force to review the Task Force's Phase 1 Final Report dated December 1986, and accompanying Traffic Circulation Plan Study, Phase 1: Route 20 Corridor dated October 1986, and Technical Appendix, prepared by HMM Associates.

Major recommendations of the Route 20 Task Force which are contained on pages six, seven and eight of the Phase 1 Final Report, include:

1. Recommendations that Town Officials work with the Department of Public Works and our legislators, as appropriate, to develop plans for a set of phased traffic mitigation measures for Sudbury's Route 20 area, as alternatives to the current "waiver" design;
2. Traffic mitigation measures should include coordinated short and longer term solutions;
3. The Town should continuously evaluate the effectiveness of each phase to assure ensuing phases are justified;
4. Public hearings should be held to obtain citizen input on design plans prior to committing to proceed with any long-term construction or reconstruction;
5. The following recommendations should receive consideration for implementation in the short term:
  - traffic signal synchronization,
  - relocation of selected utility pole(s) along Route 20, specifically Pole #1883 at Nobscot Road and Pole #18114/595220 at Horse Pond Road,
  - formalization of the de-facto three lane cross-section between Union Avenue and Nobscot Road by re-striping,
  - staggered work hours at major area employers,
  - turning lanes at the Union Avenue and Nobscot Road intersections,
  - reconfiguration of Star Plaza curb cuts, adding intersection with Raytheon driveway,
  - closing the easterly curb cut at 1776 Plaza, restricting the remaining one to right in-and-out turns.

6. The following recommendations should receive consideration for implementation on a long term basis:

- extension of Station Road,
- extension of Nobscot Road,
- construction of the three lane Route 20 cross-section, West of Nobscot Road to a point East of Union Avenue, providing more permanent demarcation of the center left-turn storage lane (but no raised median);

7. HMM Associates' traffic study should be expanded to include the Town as described in Special Town Meeting Warrant Article 21;

8. A permanent Traffic Committee should be established;

9. The Town should initiate a program of concentrated efforts to protect our water supply:

- a) The Water District and Board of Health pursue water protection funding through the LUST program.
- b) The Town establish a permanent system to monitor ground water quality around the Raymond well fields.
- c) The Town work with appropriate agencies to minimize the use of salt on Route 20 between Horse Pond and Raymond Roads, and on Nobscot and Raymond Roads.
- d) The Town ban hazardous cargoes (including gasoline trucks) from Raymond Road. Allow fuel trucks making home deliveries by special permit.
- e) The Town ban hazardous cargoes on the railroad spur from Framingham to Saxonville Wholesale Lumber Company in Sudbury.
- f) The Town require major construction in aquifer areas or near Town well fields be subject to pollution monitoring.
- g) The Planning Board and Water District prepare an aquifer protection amendment to the Zoning Bylaws.

10. The Planning Board should develop a comprehensive Land Use Plan for Route 20 corridor, proposing Zoning Bylaw amendments where appropriate to meet objectives.

11. The Town should cooperate with business community to provide additional landscaping, lighting and enhancements to the Route 20 commercial area.

12. A Citizen Task Force should replace and assume the work of the current Underground Utilities Committee.

Chairman Frost commended the Route 20 Task Force on the quality of the report and the efforts extended by the members.

Following a brief discussion, it was on motion unanimously

VOTED: To direct the Executive Secretary to convey the Route 20 Task Force findings, reports, and recommendations to Mr. George Joseph, Deputy Chief Engineer, State Department of Public Works, and to Dr. Michael Meyer, Director, Bureau of Transportation Planning and Development, and request a meeting with the Board of Selectmen be scheduled as soon as possible to review the same.

Selectmen Donald suggested that the Task Force forward copies of the Report and Traffic Circulation Plan Study to MetroWest. Ms. LaTour responded that the Task Force had a distribution list which included MetroWest, MAGIC, the Town Clerk, the Library, and the Water District.

Executive Secretary Thompson suggested that he and the Task Force Chairman prepare a document, to be a working paper which will specify actions for each board and committee involved, with a time schedule, actions to be taken, who is responsible for each action, and target dates for completion of projects.

It was a consensus of the Board and the Task Force that the above document would be an effective working document and should be prepared by the Executive Secretary.

There being no further business to come before the Board, the meeting was adjourned at 9:50 p.m.

Attest: \_\_\_\_\_  
Richard E. Thompson  
Executive Secretary-Clerk