

IN BOARD OF SELECTMEN
MONDAY, MARCH 17, 1986

Present: Chairman Myron J. Fox, Josiah F. Frost 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 Fox.

A presentation of flowers, poetry and good wishes was made by Lynne, Jessica and Kate Berry on the occasion of the final Selectmen's meeting at which Myron Fox will act as Chairman and as a member of the Board of Selectmen, since he is not running for re-election.

Civil Service Status - Police Chief Lembo

In accordance with a recommendation from Executive Secretary Richard E. Thompson who reported information from Town Counsel concerning the legal appropriateness of the request, dated March 7, from Police Chief Peter Lembo which was discussed at the March 10 Board meeting, it was on motion by Selectman Frost unanimously

VOTED: To grant the request of Peter B. Lembo, dated March 7, 1986, for an extension of his leave of absence from his permanent position as a Civil Service Police Sergeant, which expires April 30, 1986, for an indefinite period, under M.G.L. c31, §37, subject to the approval of the Personnel Administrator, Division of Personnel Administration.

Fair Housing Committee Appointments

With regard to appointing a Fair Housing Committee to coordinate the Town's Fair Housing Program, to be made up of a representative of the Planning Board and of the Sudbury Housing Authority and three members of the public, it was noted that one application had been received in response to advertisement.

It was the concurrence of the Board to hold on making appointments pending interview of applicant Steven Swanger, and to ascertain whether Willie Hoover and Sudbury Non-Profit members John Brown or Helga Andrews are interested in serving as members of the Fair Housing Committee.

Fidelity Bonds/Local Officials

It was on motion by Selectman Donald unanimously

VOTED: To authorize the Chairman to sign fidelity bonds for local officials certifying acceptance of the amounts of the bonds, to be forwarded to the Department of Revenue for approval, as follows:

Town Treasurer	\$138,000	- Bond No. S-04-04-30
Tax Collector	\$138,000	- Bond No. S-58-68-34
Town Clerk	\$ 14,000	- Bond No. S-76-23-22
Asst. Treasurer	\$ 34,500	- Bond No. S-76-64-59.

Transfer Requests

Commenting on the importance of the Commission's role in protecting the Town's wetlands/water resources and the additional work requested of the Conservation Coordinator by the Board of Selectmen, it was on motion by Selectman Donald unanimously

VOTED: To support Reserve Fund and Line Item Transfer Request No. 86-7 in the amounts of \$493 from the Reserve Fund and \$493 from the Commission's General Expense Account, said sums to be transferred to Account 360-13, Conservation Clerical.

After a brief explanation by Fire Chief Michael Dunne and a commendation from the Board for the thorough detail of the report submitted, it was on motion by Selectman Frost unanimously

VOTED: To approve Transfer Request No. 86-18 in the amount of \$8,000 to be transferred from Account 2-310-11, Fire Salaries, to Account 3-310-12, Fire Overtime.

Election Officer Appointments

The Board acknowledged receipt of communications from Carol H. Thurston, dated September 17, 1985, declining appointment as a Republican Election Officer, Deputy Inspector, Precinct 4, and from James A. Wiegel, dated October 8, 1985, declining appointment as a Republican Election Officer, Emergency Inspector.

The Board noted that the Town Clerk has indicated that there are enough Election Officer positions filled for the Town Election and, therefore, no further appointments will be needed for the 1985-86 year.

Selectman Frost recommended that a letter of thanks be sent to Ms. Thurston and Mr. Wiegel for any prior service in the capacity of Election Officer.

Selectmen's Meeting Schedule

It was on motion by Selectman Frost unanimously

VOTED: To cancel the Board of Selectmen meetings at Town Hall for the duration of Town Meeting, and to schedule Board of Selectmen meetings at 7:00 p.m. in the Lincoln-Sudbury Regional High School Library each evening of the Town Meeting.

Earth Week Proclamation

Executive Secretary Richard E. Thompson informed the Board that this year's Earth Week observance would mark the 20th anniversary of the Roadside Cleanup in the Town of Sudbury and is the fourteenth in which he and Administrative Secretary Janet Silva have participated.

After the reading of the proposed Proclamation by Chairman Fox, it was on motion by Selectman Donald unanimously

VOTED: To proclaim the week of May 3 - May 10, 1986 as SUDBURY EARTH WEEK and to designate Saturday, May 3, 1986, for the Town's Annual Roadside Cleanup and Sunday, May 4, for neighborhood cleanup projects.

Minutes

The minutes of the Board of Selectmen regular meeting of March 10, 1986, were approved as amended and the Executive Session minutes of March 10, 1986, were approved.

MetroWest Report

Selectman Donald reported that she had attended the MetroWest meeting of March 13 and had received a copy of the action report for circulation on the Route 9 Corridor Study, which includes a technical report of the changes to be made within the next month, such as street light timing. Also available is a travel time and delay study report, on which the Town Engineer worked, of certain roads in the MetroWest area including Route 27 and the interim report on MetroWest grants for the year at the three-quarter point.

In answer to Chairman Fox, Selectman Donald reported that the DPW has approved a Route 20 Corridor Study which will encompass the area of Route 20 from Route 128 to Route 495. This study may start in May.

MetroWest members were informed that the legislation on extending the time period in which site plan hearings can be held is in front of the Committee now and member towns were encouraged to contact their representatives urging that they vote affirmatively on this and other special permit legislation requiring preliminary meetings. Member towns were also urged to contact the Committee Chairman, Henry Grenier relative to keeping the proposed legislation intact. It was, therefore, on motion unanimously

VOTED: To contact the Town's representatives in the Legislature urging that they vote affirmatively on the pending legislation relating to special permits/site plan process, and to contact Committee Chairman Henry Grenier relative to keeping the proposed legislation intact.

Sudbury River Diversion

Selectman Donald reported that she had been contacted by the Co-Chairman of the Citizens' Advisory Committee, Barbara Mudd, and learned that the draft Environmental Impact Review (EIR) which had been developed by the Committee and submitted to the State had disappeared in the process of reorganization, but that a new draft EIR was available for review on the 75-square mile watershed which includes the whole of the Sudbury River area, so the intent to take water from the Sudbury River is still extant. Selectman Donald will be attending a meeting of the Committee on Thursday to review this report.

Cable Television - Local Origination Facilities and Programming

Chairman Fox summarized the background of the Town's assertion, made through the Sudbury Cable Television Committee appointed by the Selectmen to oversee license compliance and handle complaints, that the terms of the final license by inclusion of the application require Adams Russell to not only

expend \$55,000 for local programming equipment but to hire a part-time coordinator to help develop such community programming and to construct a local studio. This subject was addressed by Town Counsel at the request of the Committee and was subsequently the subject of a Committee letter to Adams Russell Cable Services, dated February 19, 1986, stating its concerns. The Committee is in receipt of a response from Adams Russell Cable Services System Manager Jack VanKuilenburg, dated March 3, 1986, stating that it intends to comply with the provisions relative to equipment purchase, and that it considers the hiring of a coordinator and development of a studio to be an expansion of the license terms.

Chairman Fox stated that he feels that the Town has legal standing to press for these items and that he would support the instigation of arbitration or litigation to resolve the issue. Selectmen Donald and Frost indicated their concurrence. Town Counsel has been asked to respond to Adams Russell's letter and the Executive Secretary will put forth the Selectmen's strong feelings at his meeting with Mr. VanKuilenburg this week.

Town Report

On behalf of the Board, Chairman Fox expressed appreciation for the expeditious delivery of the Town Report made by members of the DeMolay. Despite a delay in delivery of the Reports by the printer, the DeMolay managed to distribute them to all households in just one weekend, attaining compliance with Town Bylaws.

Street Acceptances - Articles 15, 16, 17, ATM86

Present: Town Engineer James V. Merloni

Chairman Fox convened a public hearing for the purpose of the Board voting and signing layouts of Town ways in conjunction with 85ATM Street Acceptance Articles 15 and 16, and Article 17 [Article 17 deals with the layout of a turnaround and discontinuance of a portion of Codjer Lane (East)], noting that the plans were on display at the meeting tonight and also filed with the Town Clerk.

Executive Secretary Richard E. Thompson stated that notice of the intention to lay out these Town ways had been voted on January 27, and abutters notified on March 7.

Town Engineer James Merloni informed those attending that the acceptance of streets is a paper transaction only, stating that a vote of acceptance of a street as a public way allows the Town to make repairs and provide maintenance.

Chairman Fox affirmed that it is not a taking of land and there are no damages to be paid; the taking merely makes the street, which is owned privately to the center line by each abutter, public and transfers the responsibility for it to the Town.

Belcher Drive and Suffolk Road (Article 15)

Present: Dorothy Briggs, 94 Belcher Drive and others.

Mrs. Dorothy Briggs stated that it was her understanding that all lot markers had to be in place before acceptance; if they were not, the taxpayers must pay for setting them.

Town Engineer James Merloni informed the Board that lot and street bounds were some of the items on a list prepared in the fall which Mr. Quirk assured him would be completed; the listed items are still incomplete. Mr. Merloni noted that the situation is the same for Suffolk Road.

Executive Secretary Richard E. Thompson noted that the Planning Board's recommendation relative to these roads, dated February 25, 1986, is that they not be accepted until such time as an As Built Plan is received and accepted by the Town and all related problems have been resolved.

Discussion ensued among the Board members as to whether or not they wished to sign the layouts of Belcher Drive and Suffolk Road, thus signifying Selectman's approval and allowing the acceptances to go before Town Meeting; or, alternatively, to not sign the layouts until Mr. Quirk has completed the work. Although the Selectmen did not have the street acceptance schedule prepared in conjunction with the statute requirements available for reference, the Board concluded that the deadline for the signing of the layouts is this day and, therefore, the Board had no option to hold the signing of the layouts.

Mr. Merloni stated that the residents of this area have a petition article in the Town Meeting Warrant to expend funds on a study of the drainage problems relating to these two ways, and questioned whether failure to sign the layout tonight, thus preventing the Town Meeting from accepting the streets, would preclude the Town from acting on the petition article due to the fact that the Town can not perform work on a private way. The question will be referred to Town Counsel at the direction of the Board.

At the close of discussion, Chairman Fox noted that if the Selectmen were not to sign the layouts this evening, it would mean the deadline is past and they would have to come back to a Special Town Meeting or next Annual Town Meeting. The Town Engineer indicated that he would have no problems with that.

It was on motion by Chairman Fox unanimously

VOTED: To not sign the layouts for Belcher Drive and Suffolk Road in accordance with the recommendation of the Planning Board and for the reason that conditions set forth for acceptance have not been complied with.

Craig Lane (Article 15)

Town Engineer noted that this is a completed subdivision street and is recommended for acceptance by the Highway Surveyor, himself, and the Planning Board.

It was therefore on motion unanimously

VOTED: To approve and sign the street layout for Craig Lane as shown on

"Plan of Craig Lane As Laid Out by the Town of Sudbury, Massachusetts", dated January 6, 1986, by the Town of Sudbury Engineering Department.

Shadow Oak Drive, Singing Hill Circle, Virginia Ridge Road (Article 15)

The Town Engineer informed the Board that these are also completed subdivision streets and are recommended for acceptance.

It was on motion unanimously

VOTED: To approve and sign the following street layouts:

- Shadow Oak Drive as shown on "Plan of Shadow Oak Drive, Sudbury, Massachusetts, As Laid Out by the Town of Sudbury," Sheets 1 and 2, dated January 9, 1986, by the Town of Sudbury Engineering Department;
- Singing Hill Circle as shown on "Plan of Singing Hill Circle As Laid Out by the Town of Sudbury, Massachusetts," dated January 13, 1986, by the Town of Sudbury Engineering Department;
- Virginia Ridge Road as shown on "Plan of Virginia Ridge Road As Laid Out by the Town of Sudbury, Massachusetts," Sheets 1 and 2, dated January 27, 1986, by the Town of Sudbury Engineering Department.

Wildwood Lane (Article 15)

Town Engineer James Merloni noted that the As Built Plan has not been submitted by developer James Pacy on this completed street; however, the Town is holding a performance bond in the amount of \$1,240 which is more than enough money to prepare such a plan. Mr. Merloni concurred with the Planning Board recommendation in its letter of February 25, that the Board approve the layout subject to submission of the As Built Plan.

It was therefore on motion by Chairman Fox unanimously

VOTED: To approve and sign the street layout for Wildwood Lane as shown on "Plan of Wildwood Lane as Laid Out by the Town of Sudbury, Massachusetts," dated December 11, 1985, by the Town of Sudbury Engineering Department, with the condition that the As Built Plan be submitted by April 7, the first night of the Annual Town Meeting.

Mr. Merloni agreed to contact the developer.

Raytheon Drive and Codjer Lane (East) (Articles 16 and 17)

Present: Paul and Gaetano Cavicchio, Robert Nims, Lois Leav, Mairi and Joseph Staples, Barbara and Dan Bortle, Cletus Terwiske, Gerry and Bill Baldwin, and Jean and Roger Curtis.

Chairman Fox read the letter dated March 5, 1986, from the Planning Administrator informing the Board of the Planning Board vote of March 3, recommending indefinite postponement of Article 16 - Street Acceptance of Raytheon Drive, until such time as an integrated traffic circulation plan is developed, and indefinite postponement of Article 17 - Discontinuance of a

Portion of Codjer Lane contingent upon indefinite postponement of Article 16. It had been further voted by the Planning Board to recommend that the traffic circulation study be funded by a portion of the Raytheon money committed to the Town.

Executive Secretary Richard E. Thompson informed the Board that, since its discussion of this letter at the last Board meeting, he had researched the subject and discovered that the Planning Board's recommendation at the time of the Raytheon site plan hearing was to build just such an access road which is in conflict with the position the Planning Board is taking on these articles, a matter which he has brought to the attention of the Planning Administrator with the request that the Planning Board rescind its vote of March 3.

Mr. Thompson noted further that the Board has gone forward with the Codjer Lane East plans in concert with the neighborhood and knows that the access road will relieve Route 20 congestion without further study. In addition, he noted that the Town Engineer had reported that he did not see the need for an additional traffic study before implementing Article 16 and 17 as the articles were proposed to meet the needs shown by the study previously completed by Raytheon, which had been included for the Board's information in the agenda materials.

Mr. Merloni noted that the Raytheon internal traffic study showed that approximately 2,000 cars per day use Route 20 and that approximately 20% of these turn off onto Union Avenue.

In answer to Chairman Fox's question concerning traffic control measures at Union Avenue's intersection with Codjer Lane, Mr. Merloni stated that there will be a stop sign at that intersection as there is good sight distance; however, if required, Raytheon Company has indicated that it will provide a traffic control officer at that location.

Mr. Gaetano Cavicchio, 110 Codjer Lane (off Union Ave in the westerly direction) stated that he was opposed to the proposal since he had been hurt by the rezoning of his land to residential and now this plan will hurt him further by putting 400 cars through a residential district. In answer to Selectman Fox's question about whether Mr. Cavicchio understood Codjer Lane (West) is a public street, he stated that he had "heard that it was [a public street]."

Chairman Fox and the Town Engineer joined the Codjer Lane residents in looking at the proposed plan of Raytheon Drive, during which Mr. Cavicchio maintained that he understood the ownership of a portion of a certain parcel to be different from the Town Engineer's survey, maintaining that he and not Alton Clark was the true owner of that portion and that he was paying taxes on the property. The Town Engineer stated that the Town's information was the result of a title search and he was sure that it was correct. The Town Engineer also stated that contact had been made with Mr. Clark, the assessed owner of record of the property, and it is Mr. Clark's intent to give the property noted to the Town. Mr. Cavicchio maintained that he and Mr. Clark and Mr. Clark's father had farmed land side by side in the fields and never once had the Clarks said to him that he was on their land.

Chairman Fox noted that if indeed Mr. Cavicchio was correct in stating that he was the owner of the property in question, then the Town could not do what it intended unless it negotiated with Mr. Cavicchio, who claimed it was not for sale.

Mr. Paul Cavicchio, 110 Codjer Lane, posed the question as to whether such a scheme, proposing a commercial road on which 400 cars will travel through land now zoned residential, is fair or economically right in terms of its further effect of devaluing the land, which he maintained was already devalued once in the rezoning from industrial to residential, and asked further if there would be compensation for the landowner.

In reply, Chairman Fox stated that this proposed road was not a commercial road and is a separate issue from the former rezoning, although he noted that he and perhaps others in the room were personally sympathetic with the landowners affected by rezoning and may have voted against the rezoning. He also stated that if indeed the Cavicchios were the owners of the land, as they maintained, and a taking was made, there would be compensation.

The Town Engineer confirmed Chairman Fox's impression that the proposed Raytheon Drive was not intended for commercial traffic.

Mr. Paul Cavicchio stated that no matter who owns the land on which the road is proposed, what would be affected would be the other land owned by his family which was devalued once and now would be further devalued, stating that although there are no houses in the area at this time he felt it was incumbent upon the Board to consider the future impact. He stated that, in essence, the Town is creating the same problem for the future that the rezoning of the industrial land was designed to resolve.

Chairman Fox advised the Cavicchios that if they could show a court of law that such a taking devalued the balance of their land, he believed they would have an action for seeking compensation for the rest of it and should contact their own attorney to ascertain what legal recourse was available to them.

Mr. Gaetano Cavicchio stated that he believed commercial traffic would still seek access from Union Avenue to Horse Pond Road as it does now in spite of the proposed layout plans.

During review of the proposed plan for Codjer Lane (East), the Town Engineer informed the residents that the portion of the road adjacent to Union Avenue would serve the corner property which is zoned for limited industry, the asphalt would be taken up in the portion of Codjer Lane to be discontinued and the area would be loamed and seeded. Also, at this time a movable barrier would be implaced similar to the gates at the High School which would allow access for fire trucks. At the end of the road where it intersects with Concord Road, Mr. Thompson confirmed that a sign would be put up indicating that it was not a through road.

The Town Engineer stated that the Sudbury Valley Trustees own the property which is proposed to accommodate a turnaround for the portion of

Codjer Lane extending to Concord Road, and although he has not discussed the plan with them, he anticipates no problems.

In answer to Lois Leav, 21 Codjer Lane, and following the Fire Chief's statement that he would not require access for fire or safety vehicles and felt that the plan proposed would solve the existing problems of safe vehicular access, the Town Engineer stated it would be the intent at a later time to plant a permanent barrier of trees in that location.

Several Codjer Lane residents voiced their approval of the plan as a resolution of many of the longstanding neighborhood problems; others indicated their agreement.

Regarding the problems of safely accessing Union Avenue from Concord Road after Codjer Lane is no longer a through way, the Town Engineer stated that he has plans to create a safer intersection at the area where Union Avenue intersects with Concord Road.

When asked by Chairman Fox if he would support the discontinuance of Codjer Lane if the Raytheon Drive acceptance is defeated at Town Meeting, the Town Engineer stated that he would support that discontinuance now that he had heard the sentiments of the neighborhood residents.

Mr. Cletus Terwiske, 27 Codjer Lane, questioned the Board on the linkage of the two articles with relation to the intention of the Town to use funds which Raytheon is donating for traffic improvement purposes. He stated that, although he was in favor of discontinuing Codjer Lane (East) if acceptance of Raytheon Drive failed at Town Meeting, he understood that Raytheon's intent in donating the money was for the Raytheon Drive portion and, in that instance, what is the Town's intent with regard to funding the Codjer Lane (East) portion.

Chairman Fox stated that at the time of the Raytheon site plan hearing on its proposed addition, Raytheon generously offered to donate an amount close to the \$250,000 in the final agreement, for the purpose of alleviating traffic congestion in that area.

Executive Secretary Richard E. Thompson stated that if the Raytheon Drive street acceptance is not approved at Town Meeting, the Board would have to seek construction funds for the Codjer Lane (East) portion, estimated by the Town Engineer to be from \$10-15,000, at a Special Town Meeting or the next Annual Town Meeting.

Another resident added that it was his understanding that the Raytheon agreement for the donation of \$250,000 had nothing to do with the Codjer Lane (East) portion and was only concerned with alleviating Route 20 traffic congestion, which would include construction of Raytheon Drive, but not the Codjer Lane (East) portion.

Supposing that Raytheon Drive was accepted at Town Meeting, the road constructed and other traffic solution measures funded in conjunction with the widening of Route 20, leaving funds remaining, Chairman Fox conjectured that Raytheon would not mind that the excess would be expended on the

discontinuance project, noting, however, that the resident was correct in his understanding.

The Executive Secretary stated that Raytheon representatives have been involved in every meeting the Board has held in connection with these two projects and are well aware that they are being considered as a unit package project.

Chairman Fox added his belief that this tacit approval might be reconsidered if the Raytheon Drive acceptance was not approved by Town Meeting and the Codjer Lane (East) project was approved. Mr. Thompson agreed.

As to the question of whether any other access had been studied, the Town Engineer stated that at one time negotiations for use of the private drive in front of Coatings Engineering were held with New England Door, Saxonville Lumber, Coatings and Chiswick Trading, but no agreement was reached. Also explored was access via the railroad right-of-way which is owned by the MBTA; however, the MBTA conditions, i.e., lease at substantial fee, cancellation at will, restoration to original conditions, etc., were not acceptable to Raytheon.

The Town Engineer stated that, although the Town has had no discussions with the MBTA about its proposed easement across the right-of-way, he did not foresee a problem since at one time discussion concerning utilizing the whole right-of-way out to Union Avenue was acceptable to the MBTA. Mr. Thompson added that the MBTA would have to approve construction over the right-of-way. As to the possibility of reuse of the corridor forcing the Town to discontinue Raytheon Drive, if it was constructed, the Town Engineer indicated that there was always a possibility, but Selectman Donald noted that it would be no different from any other railroad right-of-way in the Town.

Mr. Thompson recommended that the Board proceed to vote whether or not it hears from the Planning Board on the reconsideration of its vote of March 3.

At the close of discussion, it was on motion by Selectman Frost

VOTED: To approve and sign the layout for Raytheon Drive as shown on "Plan of Raytheon Drive as Laid Out by the Town of Sudbury, Massachusetts," dated February 14, 1986, by the Town of Sudbury Engineering Department.

(Selectman Donald and Frost in favor; Selectman Fox opposed for the reason that he is in need of more information.)

It was on motion unanimously

VOTED: To approve and sign the layout for a portion of Codjer Lane shown on "Plan of the Discontinuance of a Portion of Codjer Lane, A Public Way in the Town of Sudbury, Massachusetts," dated February 19, 1986, by the Town of Sudbury Engineering Department.

For the information of those assembled, Chairman Fox stated that passage of Street Acceptance articles requires a two-thirds vote.

Meeting with Conservation Commission

Present: Conservation Commission Chairman Gordon Henley, Conservation Commission Coordinator Debbie Montemerlo, and Conservation Commission Associate Cynthia Powell.

Bike Trail. On the subject of the proposed Sudbury to Lowell Bike Trail, Ms. Montemerlo was commended for her extremely thorough report to the Board, dated March 11, 1986.

In reply to Chairman Fox, Ms. Montemerlo stated that the Department of Public Works will fund the feasibility study, proposed to be done by the Central Transportation Planning Staff (CTPS), to determine if a bike trail is the best current use of the former Penn Central Railroad right-of-way from Sudbury To Lowell, to identify potential areas along the track that may require alternate routing, and to determine the scope of work involved and preliminary costs associated with the proposed construction.

After discussion it was on motion unanimously

VOTED: To express the Board's strong support of the concept of the proposed bike trail as requested in the Conservation Commission's letter of March 11, 1986, by forwarding a letter to the Director, Central Transportation Planning Staff, requesting its assistance in providing the initial feasibility analysis.

After joining the Executive Secretary in thanking Ms. Montemerlo for the work which she has done on this project, it was on motion unanimously

VOTED: To appoint Deborah Montemerlo as the Sudbury Coordinator for Bike Trails.

Powers Property. Conservation Commission Chairman Gordon Henley updated the Board on the Commission's plans to acquire the Powers property, Article 30 in the Warrant. He stated that the appraisals of the property were low; however, since both Mr. Powers and the Commission were of the opinion that the appraisals were inaccurate because of the failure to consider any of the area as buildable, at the insistence of the Commission the appraisers agreed to reconsider the value if it could be shown by an engineer that there are indeed buildable lots. Consequently, the Commission hired Scofield Bros. to prepare an engineering plan showing feasible building lots which is now ready for submission to the appraisers. The appraisers will provide an adjusted opinion of value in two weeks which will be followed by the full appraisals. Mr. Henley stated that the appraisals have not yet been sent to Division of Conservation Services to accompany the Self-Help application. Since submittal of the Self-Help application, Mr. Henley reported, the Water District has appropriated funds to purchase thirteen acres of wetland for a sum of \$40,000 for well protection; however, this land was mostly of low value and, therefore, would not have much of an effect on the appraisals. The State has determined that it will fund the remaining parcel minus \$50,000 for the house, at 80% based on the average of the two appraisals.

Executive Secretary Richard E. Thompson noted that the Board had been unable to support the purchase at the time of its last discussion because of

the financial condition of the Town at the time. Since that time, Mr. Thompson reported, additional funds in the amount of \$80,000 have become available to the Town as a result of a lowered Blue Cross/Blue Shield rate and differences in the Cherry Sheet from the figures projected. Mr. Thompson urged the Board to reconsider its position on this article, suggesting that the Board support the Conservation Commission in the acquisition of this property suggesting that \$50,000 be funded by taxation and the remaining projected \$50-55,000 be funded from the Conservation Fund.

Mr. Henley reported that the Finance Committee had recommended an appropriation of \$15,000 for the Conservation Fund to bring it back up to the \$100,000 level since there had been large expenditures required in conjunction with the proposed land purchases.

Long Range Capital Expenditures Committee (LRCEC) Chairman Robert Cusack noted that the Committee had not recommended purchase of either of the properties noting particularly that the Powers property does not abut other public or quasi-public land and that overall the Town has enough land protected, in its opinion, with 44% Town in public or quasi-public ownership.

In rebuttal, it was noted that the Powers property abuts both the Curtis Middle School and land owned by the Sudbury Valley Trustees.

Chairman Fox noted that, in the words of David Lee Turner, former Town Counsel and present Water District Counsel, "Nothing is protected until taken," citing as an example the proposed sale of the Boy Scout land on Pratts Mill Road and the past proposal before Town Meeting to sell the Loring School. Mr. Fox also noted that economic pressures are exerted on owners of land, whether they are individuals, organizations or governments, which represent a potential for loss of open land

within the Town. Mr. Thompson noted that even the Federal Government reacts to such pressures, citing the proposed excessing of military reservation land.

Mr. Thompson suggested that the Committee review in general the recommendations made by Dr. Chaing in the water resources study commissioned by the Water District and, more specifically, those addressed to protection of the Town's aquifers. Mr. Thompson stated that the purchase of this property would implement a clear recommendation made in the study; also, of the five proposals submitted to the State by the Commission, this proposal was regarded by the Division of Conservation Services as the most desirable because of its enormous water resource protection value.

Selectman Frost stated that he feels very strongly that the Town should purchase this property because of the protection it offers to the Town's two main aquifers, noting also that if the Water District were to develop another well, the probability is that it will be the one adjacent to this area which, in spite of its high iron content, would be the most economical to activate. Selectman Frost also noted that Dr. Chaing considers only 25-30% as protected open land, not the 44% referenced by the LRCEC Chairman.

It was emphasized by Chairman Fox that the Town would receive a greater benefit with the State generating 80% of the funding through the Self-Help

program than if the Water District were to purchase the whole of the Powers property.

Walker Farm. Ms. Montemerlo advised the Board that as a result of negotiations with Creighton Hamill regarding his proposed purchase and development of the Walker Farm, the Commission expects to receive for Town conservation purposes a gift of land, a conservation restriction with public access and a walkway easement. If the transactions have been formalized by Town Meeting, the Commission will move to indefinitely postpone Article 31 seeking approval of the Walker Farm purchase under the option. It was noted that Town Counsel is working with the Commission and the developer's attorney to expedite the various transactions. Ms. Montemerlo mentioned also that these areas are contiguous to other open space and it is the Commission's intent to contact other landowners in the vicinity relative to future acquisition possibilities.

There being no further business to come before the Board, the meeting was adjourned at 9:35 p.m.

Attest:

Richard E. Thompson
Executive Secretary/Clerk