

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 9, 1976

Present: Chairman John E. Taft, William F. Toomey, and John C. Powers

The statutory requirements as to notice having been complied with, the meeting was called to order at 7:30 p.m. by Acting Chairman William F. Toomey.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting of February 2, 1976, as corrected.

Appointments - Earth Removal Board

The Executive Secretary reported that the Board's vote on February 2, 1976 relative to appointments to the Earth Removal Board should be rescinded to comply with the Town's vote under Article 36 of the 1975 Annual Town Meeting, which set the membership of the Earth Removal Board by phasing out the present members at the expiration of their terms and replacing them with the appropriate number of senior members of the Alternates to the Board of Appeals.

After discussion, it was on motion unanimously

VOTED: To rescind the vote of January 29, 1976, relative to appointments to the Earth Removal Board;

and it was further

VOTED: To appoint John Cheney and Robert Savoy (alternate members of the Board of Appeals) to serve on the Earth Removal Board, each for a term to expire April 30, 1978.

Site Plan #76-159, Liberty Ledge Trust, Camp Sewataro, Haynes Road (Renewal)

Present: Alba Taylor, applicant

In accordance with Article IX, V, A, of the Sudbury Bylaws, the Board considered the application for renewal of the site plan for Liberty Ledge Trust, Camp Sewataro, located off Haynes Road.

The Executive Secretary reported that all appropriate abutters and Town officials had been notified and the following reports received: from the Conservation Commission, dated January 28, 1976, which reported no concern unless alterations or changes occurred within 100' of the wetland area and from the Zoning Enforcement Agent, dated January 14, 1976, the Planning Board, dated January 29, 1976, and the Board of Health, dated February 5, 1976, all of which recommended approval.

The Executive Secretary reported that the applicant had been granted renewal of their existing permit from the Board of Appeals for the operation of Camp Sewataro and an increase in the number of campers from 350 to 450.

Mrs. Taylor stated that the only addition to the site plan had been a roof shelter.

After review, it was on motion unanimously

VOTED: To approve renewal of the site plan dated January 2, 1974, for Liberty Ledge Trust, Camp Sewataro, located off Haynes Road.

Hearings: Application for Additional Underground Storage of Inflammables; Site Plan Application #76-158, Union Carbide Corporation, Linde Division, 141 Boston Post Road

Present: Arthur C. Morgello, applicant and Mr. Pfeiffer, Plant Superintendent, Union Carbide Corporation, Linde Division; Judith Cope, representing PRIDE.

Chairman Taft reported that the Board, at its February 2 meeting, had voted to continue consideration of the applications of Union Carbide Corporation, Linde Division, for underground storage and site plan approval until February 9 to allow additional items under discussion at the February 2 meeting to be shown on the site plan.

Mr. Morgello now indicated these additions to the site plan.

Selectman Toomey commented that past changes and additions to the property had been begun before the proper permits and approvals had been obtained, and he expressed the Board's hope that now that the site plan to correct these errors was properly before the Board, no further instances of this type would occur.

Mr. Morgello assured the Board that future changes would be properly done, and it was on motion by Selectman Toomey unanimously

VOTED: To approve the site plan for Union Carbide Corporation, Linde Division, 141 Boston Post Road, dated December 12, 1975, as prepared by MacCarthy and Sullivan, Inc.

On the matter of Union Carbide Corporation's application for underground storage, the Executive Secretary reported that it had been learned that a permit for underground storage of 5000 gallons of fuel oil (domestic heating) and 4000 gallons of gasoline had been granted to the Corporation in February 1957, but that the license had mistakenly stated that both tanks were of 4000 gallon capacity, and, therefore, the legal notice was in error and should be readvertised to reflect the same.

In addition, Mr. Thompson stated that, separate from the above, the same legal advertisement for the application under question had referenced the incorrect fuel oil gallonage of 4000, and should have read 5000 (diesel truck fuel), and requested that the legal notice be readvertised with the above noted corrections.

The Board was in agreement, and it was on motion by Selectman Toomey unanimously

VOTED: To approve the Executive Secretary's request to readvertise the storage permit application of Union Carbide Corporation, Linde Division, on the basis that the previous ad was incorrect.

Site Plan Application #76-160, Mill Village Realty Trust, W. L. Hall, Trustee, 361 Boston Post Road

Present: William L. Hall, applicant

In accordance with Article IX, V, A, the Board considered the application for site plan approval of William L. Hall for Mill Village Realty Trust, W. L. Hall, Trustee, for location at 361 Boston Post Road.

The Executive Secretary reported that all appropriate abutters and Town officials had been notified and the following reports received: from the Board of Health, dated January 16, 1976, which limited the use of the additional buildings to the sewage disposal system for which a permit was issued on August 11, 1975; from the Planning Board, dated February 5, 1976, and from the Zoning Enforcement Agent, dated January 14, 1976, both of which recommended approval; and from the Conservation Commission, the first, dated January 28, 1976, which recommended that approval be withheld until the Commission could determine from the State whether this proposed work could be done under the existing Hatch Act permit (#P-858), or whether the applicant must file under the Wetland Protection Act, and the second, dated February 5, 1976, following the Commission's contact with the State Office administering the Wetland Protection Act, which stated that Mr. Hall's Hatch Act permit for filling the area expires on March 19, 1976 and expressed that office's opinion that construction of buildings and septic system was not included in the permit referenced above. The Commission's second report expressed their opinion that the proposed construction would fall within 100 feet of the stream and would, therefore, require a new filing under the Wetland Protection Act, and they requested that the Board's site plan approval be made contingent upon the issuance of an Order of Conditions by the Conservation Commission under Chapter 131, Section 40.

Mr. Hall reviewed his site plan with the Board and described the proposed new construction. It was noted that the Planning Board's suggestions had been incorporated except for a notation with regard to the direction of the lighting, which will also be done.

After discussion, it was agreed that the Board should obtain a copy of the above-referenced permit and original Order of Conditions for review by, and a report from, Town Counsel.

Chairman Taft stated that if the Board is advised that the Wetland Protection Act is applicable, reference to the same will be made in the Board's vote.

It was agreed that the Conservation Commission should be invited to discuss the site plan application, and it was on motion unanimously

VOTED: To table further consideration of Site Plan #76-160, Mill Village Realty Trust, W. L. Hall, Trustee, 361 Boston Post Road, until 7:30 p.m., Tuesday, February 17, 1976.

Public Hearing -- Sudbury's Application for Discretionary Funds

Present: Robert Williams, Member, Sudbury Housing Authority; Dougal Menelaws, Sudbury Housing Authority Director

Messrs. Williams and Menelaws met with the Board to discuss Sudbury's preapplication for 1976-77 Federal Discretionary Funds.

The Executive Secretary reported that last year's application had resulted in the receipt of \$30,000 for development of the Haskell property and that this year's priority will be given to housing.

Mr. Thompson distributed to the Board a communication dated February 9, 1976, from the Planning Director on the subject of the discretionary funds relative to his proposal that \$60,000 of this year's fund allocation be used to create a "revolving loan fund" to be administered under the direction of the Board of Selectmen or an authority designated by them for the purpose of making available, to qualifying applicants, loans with low or no interest to upgrade and/or rehabilitate their property. Mr. Tiliakos' letter also proposed that \$40,000 be requested for the construction of a walkway along Dutton Road, between Hudson Road and Spring Street, to increase the accessibility of the Haskell land.

Mr. Williams reported that the Sudbury Housing Authority had discussed the matter of the preapplication, as had the Sudbury Non-Profit Housing Corporation, of which he was also a member, and that it had been the general consensus that the Town should apply for \$60,000 to accomplish the following specific items:

1. To amend the Moderate Income Housing Committee's 1970 report by including a reordering of their priorities for low and moderate income families, particularly as to rehabilitation;
2. To designate the Sudbury Non-Profit Housing Corporation as a subgrantee to provide initial costs for a housing program to meet the needs identified and documented in Item 1; and
3. To set aside a portion of the money toward the purchase of a piece of land.

Mr. Williams stated that five different sites are presently under consideration for a planned unit development which would be socially and economically integrated.

Mr. Williams stated that the preliminary MAPC application was due on February 16 and the completed application to the Department of Housing and Urban Development, if invited, was due on March 15.

Mr. Tiliakos' and Mr. Williams' proposals were again briefly reviewed, and Mr. Williams was requested to submit his proposal in writing for further discussion before the February 16 deadline.

Later in the evening, it was agreed that a preliminary application outline of the Sudbury Housing Authority's proposal would be prepared for the Board's review at their Special Meeting on February 12.

League of Women Voters - Local Government Questionnaire

Present: Susan Berry, Sandra Hall, and Sally Barrett of the League of Women Voters

Members of the League of Women Voters met with the Board in response to their request of January 6, 1976 to discuss with the Board their existing support positions and questions relating to local government.

Chairman Taft stated that, in his opinion, the League of Women Voters could perform a great service by bringing to the voting public a better understanding of the questions on the ballot for the upcoming Town Election concerning the election or appointment of a Highway Surveyor and Tree Warden. Chairman Taft suggested that anything the League do to more fully inform the voters before the Annual Town Meeting, in addition to their yearly warrant review, be done and that they become more of a real legislative group in the Town.

Selectman Powers stated that he would have hoped that the League, at the last Annual and Special Town Meetings would have reported on the articles dealing with the shortened Town Report and that he would wish the League to become more active. Selectman Powers suggested that groups be assigned to follow developing issues.

Selectman Toomey stated that he was glad to see the League in attendance tonight, as they have been without a regular representative at the Selectmen's meetings for some time.

The League's support positions, which accompanied their January 6, 1976 letter to the Board, were then reviewed and their specific questions on local government answered.

Selectmen's Special Meeting - February 12, 1976

It was on motion unanimously

VOTED: To hold a special meeting on Thursday, February 12, 1976, at 6:30 p.m. in the Loring Parsonage, for the purpose of holding discussion on the following matters:

1. Annual Town Meeting Article 22, Data Processing Facility
2. Annual Town Meeting Article 14, Purchase Ambulance
3. Collective Bargaining
4. Discretionary Funds Application

Local Growth Policy Committee

The Board received a communication dated January 28, 1976 from Anthony L. Galeota, Jr., which requested that he be considered as a candidate for appointment to the Sudbury Growth Policy Committee.

The Executive Secretary was directed to thank Mr. Galeota for his letter and to inform him that the Committee was appointed on January 19, 1976, but that he will be considered if a vacancy occurs.

Sudbury Power and Light Committee

The Board received a letter dated January 29, 1976, which informed the Board that the Sudbury Power and Light Committee dissolves with the expiring terms of its remaining two members following the 1976 Annual Town Meeting.

As appointments to the Sudbury Power and Light Committee are made by the Moderator, the Executive Secretary was requested to refer the letter to the Moderator, accompanied by a note requesting that this Committee not be dissolved.

One-Day License - Sale of Wines and Malt Beverages Only - PRIDE

In response to a request dated January 29, 1976, after consideration, it was on motion unanimously

VOTED: To grant a license to Burton Mullen and James Healy, on behalf of PRIDE, for the sale of malt beverages on Friday, March 12, 1976, from 8:00 p.m. to 1:00 a.m. on March 13, 1976, with the stipulation that security arrangements must be made through the Sudbury Police Chief.

Wayland-Sudbury Septage Disposal Agreement Signed

Present: William Cooper, Chairman, Member, Wayland-Sudbury Septage Planning Committee

The Board, at its meeting on February 2, voted to defer, for one week, the signing of the Septage Disposal Agreement between the Towns of Wayland and Sudbury, as requested by Mr. Linden of the Wayland Board of Selectmen.

On the recommendation of Town Counsel and Dr. Cooper, it was on motion by Selectman Powers

VOTED: To execute the document, which had previously been approved as to form by Town Counsel;

and it was further

VOTED: To advise the Town of Wayland of the Board's previous vote.

Chairman Taft and Selectman Powers voted in the affirmative; Selectman Toomey voted in opposition, commenting that his negative vote was cast not in disagreement with the document as presented, but from his concern that the Sudbury Selectmen should delay their vote until Wayland's difficulty with designation of the authority responsible for constructing the facility had been resolved.

General Laws and Special Acts Relating to Town of Sudbury

Town Counsel reported that he had earlier received a communication dated July 3, 1975 from the Town Clerk, enclosing a list of references to the General Laws or Special Acts relating to the Town together with Town Meeting action, which she suggested be included in the next printing of the Town Bylaws in compliance with Chapter 43B, §12.

Town Counsel, referring to his memorandum dated January 29, 1976, reported that, in his opinion, Chapter 43B of the General Laws (the Home Rule Proceedings Act) does not require the decennial publishing of special acts pertaining to, and statutes accepted by, the Town, but that such publication may be desirable for information and reference purposes.

Selectman Powers stated that, in his opinion, Home Rule Proceedings do not necessarily require that the content of these laws be printed, but in non-charter towns an index of the same should be printed.

After further discussion, it was on motion by Selectman Powers unanimously

VOTED: To approve the printing, in the next issue of the printed bylaws or amendments thereto of the Town of Sudbury, the list of General Laws and Special Acts related to the Town forwarded to the Board by the Town Clerk under date of her letter of July 3, 1975, with the list to be updated through the 1976 Annual Town Meeting, in accordance with General Laws, Chapter 43B, Section 12.

Selectmen's Annual Report

The Board approved and signed the Selectmen's annual report as prepared and revised by Chairman Taft.

There being no further business to come before the Board, it was on motion
unanimously

VOTED: To adjourn the meeting at 10:45 p.m.

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