

IN BOARD OF SELECTMEN  
MONDAY, MARCH 22, 1976

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

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The statutory requirements as to notice having been complied with, the meeting was called to order at 7:30 p.m.

Jurors

Present: Betsey M. Powers, Town Clerk

The Board drew the names of Johanna Baer, 1 Elsbeth Road, to serve as juror at Cambridge Court, and Robert F. MacCachran, 156 Fairbank Road, to serve as juror at Lowell Court, both to commence May 3, 1976.

Fire Department Budget - Fire Prevention Officer, Overtime

Present: Josiah F. Frost, Fire Chief

The Fire Chief met with the Board for the purpose of discussion relative to the Board's final position on the 1976-77 budget for the Fire Department. The Board received two communications, dated March 19, 1976, from Chief Frost on the subjects of his proposal for Fire Prevention and Training Officer and his personnel plan for overtime.

Included in Chief Frost's budget as it was submitted to the Finance Committee was a request for funding in the amount of \$13,377 in his #310-11 account, Salaries, for a fifth Captain, intended as his permanent Fire Prevention and Training Officer. The Finance Committee has recommended that the salary account be reduced by the above figure, which would eliminate Chief Frost's proposal for a fifth Captain.

This reduction was now discussed, and Chief Frost expressed his concern with the elimination of this position of Fire Prevention and Training Officer and his opinion that this position was a most important one and should be retained in the budget.

Chairman Taft reported the Board's vote on December 29, 1975 to request additional information from the Fire Chief regarding reduction of the overtime account by coverage by the Fire Prevention and Training Officer during the summer months and the same financial overtime benefits to be derived from the hiring of two versus four additional men.

Chief Frost, referring to his March 19, 1976 letter on the subject of the Fire Prevention Officer, stated that, in his opinion, a slight reduction, perhaps \$2,000 or \$3,000, to the overtime costs could be realized.

Chairman Taft, referring to Chief Frost's March 19 letter on the subject of a personnel plan for overtime, reported that the Fire Chief is also suggesting the hiring of an additional firefighter and the reduction of the Fire Department's overtime budget account by his salary. Chairman Taft asked Chief Frost how he intended to use this additional man.

Captain Frost stated that the new Firefighter/EMT would be scheduled for ten hours a day, four days a week, and would provide continued dispatching coverage during the daytime hours, seven days a week. Captain Frost further stated that, in the event of an injured Firefighter's being put on limited duty, the additional man would assume

the injured man's duties without the need for overtime coverage, while the limited service man would be used as a dispatcher.

Selectman Toomey commented that the final position of this Board does not necessarily reflect the position of the incoming member of the Board and that his position would be to support the Finance Committee's recommendation, which would eliminate a Fire Prevention and Training Officer.

Selectman Powers expressed his support of the Fire Chief's recommendation on the above-mentioned proposals, commenting that the Town is overdue on the service it needs and that the addition of a Fire Prevention and Training Officer would put the Town in line with the State and Federal programs and possible future funding.

Chairman Taft stated that he was distressed that nothing had been done to reduce the escalating overtime budget and that he was pleased to hear Chief Frost's plan for scheduling the proposed new man.

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

VOTED: To support the recommendation of the Fire Chief to provide a Fire Captain as a Fire Prevention and Training Officer, which would mean an increase of \$13,337 in Account 310-11, Salaries, and a \$3,000 reduction in Account 310-12, Overtime.

(Chairman Taft and Selectman Powers in favor; Selectman Toomey opposed)

It was further

VOTED: To reduce Account 310-12, Overtime, by \$10,621; to increase Account 310-11, Salaries, by \$10,621; to increase Account 310-71, Uniforms, by \$225; and to hire an additional Firefighter/EMT to be assigned to Headquarters to assist in dispatching duties in conjunction with the present dispatcher.

(Chairman Taft and Selectman Powers in favor; Selectman Toomey opposed.)

#### Minutes

It was on motion unanimously

VOTED: To approve the minutes of the special meeting of March 12, 1976 and the regular and executive session minutes of March 15, 1976, the latter as corrected.

#### Utility Petition #76-42 - Bent Road

It was on motion unanimously

VOTED: To confirm the existence, upon property accepted by the Town as a public way, of Boston Edison and New England Telephone and Telegraph Company poles at the following location:

BENT ROAD, southwesterly side, from a point approximately 25 feet northwest of Old Meadow Road, -- two (2) poles

BENT ROAD, northeasterly side, from a point approximately 300 feet northwest of Old Meadow Road, --  
Eleven (11) poles  
(Guy wire and anchor on tenth pole).

BENT ROAD, southwesterly side, approximately 326 feet northwest of Stone Road, --  
One (1) pole.

#### Industrial Accident Report

It was on motion unanimously

VOTED: To defer consideration of the incident report #76-255 of the Sudbury Police Department relative to an industrial accident at C. R. Wood, Inc., Station Road, until receipt of additional information on the matter.

#### Site Plan Application #76-162, Robert Quirk Realty Trust, Village Green, 29 Hudson Road

Present: Robert D. Quirk, owner of Village Green; Bruce Quirk; Francis Harney, attorney, representing Norma McDonnell; Carlton Colburn; Richard Flier, leasing agent for Village Green; Patrick Todd and Donald Wagoner, prospective tenants of Building #8; Francis E. White; Building Inspector/Zoning Enforcement Agent; James Healy of the Board of Health; John Cutting of the Conservation Commission; LaMonte and Florence Griswold, and Clark Goff, abutters; Richard Davison, citizen

In accordance with Article IX, V, A of the Sudbury Bylaws, the Selectmen considered the site plan of Robert Quirk Realty Trust, Village Green, 29 Hudson Road.

Chairman Taft announced that he had been advised by Selectmen Toomey and Powers that tonight's consideration of the Village Green site plan would close at 9:00 p.m. with a further session to be scheduled for Wednesday night. Chairman Taft suggested that tonight's meeting be used for presentation of preliminary information.

Chairman Taft further announced that tonight's proceedings in this matter were being recorded on tape.

The Executive Secretary reported that the original application was received on February 24, 1976 and that the appropriate abutters and Town officials had been notified.

The Building Inspector/Zoning Enforcement Agent read the list of abutters who had received notification of tonight's meeting.

Chairman Taft summarized the history of past action in connection with the site, as follows:

- On September 17, 1968, a variance was granted to Robert D. and Norma L. Quirk for extension and enlargement of the "Krause" house, a non-conforming building at 29 Hudson Road, as well as a second variance for a six-foot excess in height for this building.

- Site Plans for Village Green were approved on September 25, 1969, January 22, 1970, January 21, 1971, February 17, 1972, and May 14, 1973.

- The following building permits were issued in conjunction with these site plans: #4631, October 25, 1968, in the amount of \$4,000 to rebuild the "Krause" house (Building #3); #5725, November 1, 1971, in the amount of \$165,000, for the Village Green complex with the exception of Building #3; #6388, March 13, 1974, in the amount of \$8,000, for a foundation under Building #3 and for a connection to Building #2; #6951, November 14, 1975, an underground vault between Buildings #3 and #8; and #6977, January 13, 1976, in the amount of \$65,000, for interior of Building #3.

- A cease and desist order was issued by the Building Inspector/Zoning Enforcement Agent to Mr. Quirk on February 20, 1976, which was read into the record.

- The cease and desist order was appealed to the Board of Appeals in an application dated March 5, 1976 by the Quirks. The Quirks have also applied for a variance for the enlargement of Building #3 and a variance for an excess in height limitations for two buildings. No date has been set for the hearing.

Chairman Taft announced that Mr. Thomas French, Assistant to Town Counsel, would appear for the Town this evening, as Mr. Turner had asked to be excused from the matter as his firm is involved in business with one of the parties of interest concerned with this property.

The Executive Secretary reported that the following letters were received relative to the site plan under consideration: from the Board of Health, dated March 19, 1976, which stated that that Board would consider approval of the plan on March 24; from the Planning Board, dated March 18, 1976, which recommended disapproval of the plan; and from the Building Inspector/Zoning Enforcement Agent, dated March 5, which recommended disapproval as the plan now stands.

Chairman Taft requested that Mr. Quirk introduce those present with him this evening and that all other interested parties introduce themselves. Chairman Taft also requested that those wishing to speak on the matter so indicate in order that all might be heard.

Mr. Robert Quirk stated that he would like to clarify some of the reasons for the existing situation at Village Green, and in this regard, he made the following statements:

- In connecting Building #3 to Building #2, Mr. Quirk was informed by the Building Inspector/Zoning Enforcement Agent that it constituted enlargement of a non-conforming building (Building #3) (insufficient setback) and, therefore, in violation of the zoning bylaws, as no variance had been requested from or granted by the Board of Appeals.

- In lowering Building #3 onto its new foundation, the building was moved back six inches from its original site, although it still has insufficient setback.

- He has since applied for a variance for this purpose, and if it is not granted, he will request a demolition permit to remove the connecting structure.

- He was unaware of any height violation until it was noted by Mr. Colburn in his work to update the site plan prior to its submission to the Selectmen.

Mr. Bruce Quirk made the following statements concerning the history of the site:

- The property was rezoned from Business to Limited Business by the Town Meeting following Robert Quirk's acquisition of the site in 1968.

- The present configuration of the site and the buildings is the result of compromise between the Quirks and the Historic District Commission.

- If they had been aware that the Krause building was non-conforming with regard to setback at the time of its move, it would have been moved back far enough to cure the problem.

- Their application to the Board of Appeals concerning the decision of the Building Inspector and the Board of Selectmen to rescind the building permits for the Village Green site had been made in order to preserve their legal rights in those permits.

- It was their primary concern to work out with the Town, in the most expeditious manner, whatever problems exist on the site.

Attorney Francis Harney, representing Norma McDonnell who has an interest in Robert Quirk Realty Trust was introduced, as was Carlton Colburn, author of present and previous site plans for Village Green.

In response to questions from the Board, Mr. Colburn made the following statements:

- He was involved in the design of the sewage disposal system, but not directly in the building construction plans.

- He had not determined that the heights of two of the buildings were in violation, but had only reported the height.

Mr. Robert Quirk stated that when the original plans were drawn, the buildings were to have been constructed of wood and that it was later decided to build them of cement blocks with a wooden exterior. Mr. Quirk stated that "flexicore" was used for flooring material and that the specifications for use of this material increase the space above and below the supporting beams, which, in turn, increased the height of the buildings.

The Building Inspector/Zoning Enforcement Agent's report dated March 12, 1976, relating to required parking spaces was discussed, and Mr. Quirk was requested to submit his determination of the same at the continued hearing on March 24, if his figures differed from Mr. White's.

In response to Selectman Power's questions, Mr. Colburn made the following statements:

- He had surveyed the boundaries some years ago when the original work for the site plan was done.

- The Limited Business Zone extended only to Mr. Quirk's property line.

- A headwall and some fill from the Village Green site extend onto Mr. LaMonte Griswold's property.

Mr. Quirk stated that he had no agreement with Mr. Griswold in this regard.

Mr. Quirk was asked to inform the Board on March 24 as to how much fill is on Mr. Griswold's property, as well as to provide information relating to the two paved concrete channels located on the southwest and southeast corner of the property, which are not shown on the previously approved site plan.

Mr. Colburn stated that these concrete channels were built approximately a year ago and are to be removed and filled again.

Selectman Toomey requested that Messrs. Todd and Wagoner also attend the March 24 meeting, as he would have questions relating to parking requirements following receipt of the requested information.

Chairman Taft expressed his hope that all people having an interest in the matter would attend the March 24 meeting, and no person indicated that this date would be inconvenient.

It was on motion unanimously

VOTED: To continue further consideration of site plan application #76-162 of Robert Quirk Realty Trust, Village Green, 29 Hudson Road, until Wednesday, March 24, at 8:00 p.m.

(A tape recording of the Quirk Realty Trust site plan application proceedings is available in the Selectmen's office.)

Tribute to Chairman John E. Taft

At 9:05 p.m. it was on motion by Selectman Toomey unanimously

VOTED: To briefly recess the meeting.

Following the vote, the Executive Secretary announced to Chairman Taft that the Town officials and citizens who were now present had come to tonight's meeting to honor Mr. Taft for his past twelve years of service to the Town as a member and Chairman of the Board of Selectmen.

An informal coffee period followed.

The Board's regular meeting reconvened at 9:45 p.m.

Elsbeth Road Residents - Petition

Present: June Finan, Rita Wirzburger, and Lynn Connolly, residents of Elsbeth Road; Frederick Welch, Highway Commissioner

The Board received a petition, dated March 3, 1976, from residents of Elsbeth Road, which requested that improvements to Elsbeth Road be made and that the street be accepted by the Town.

The Executive Secretary reported that Elsbeth Road had been in very poor repair for many years and that an article was entered in the warrant for the 1974 Annual Town Meeting to acquire the property known as Elsbeth Road and to appropriate \$8,000 for the repair of that road. The Executive Secretary reported that the article had received the support of the Finance Committee and others, but had been indefinitely postponed by the Town Meeting.

Mr. Welch reported that the reason for indefinite postponement was that the matter at that time was in litigation.

Following discussion of the request stated above, it was agreed to work for some type of immediate short-term help and for a permanent solution and acceptance of the street through the next special or annual town meeting. The Executive Secretary was requested to file this petition with the material for the next town meeting.

Heritage Park - Walkway Construction and Finish Grading Contract - Signed

On the recommendation of the Executive Secretary, it was on motion unanimously VOTED: To sign the contract for "Walkway Construction and Finish Grading" of Heritage Park, which was awarded to Dingley Contracting Co., Inc., Northborough, on March 15, 1976, subject to receipt of all appropriate bonds and insurance certificates.

The Board requested the Executive Secretary to contact the Dingley Contracting Co., when work is commenced on Heritage Park, relative to the vehicles parked at their Boston Post Road location.

New England Telephone - Proposal for Telephone System

Present: John Wilson, Town Accountant; Ira Potell, Finance Committee's liaison to Selectmen

The Board, at its March 15, 1976 meeting, requested that the Town Accountant and the Executive Secretary submit an updated proposal and recommendations relative to the total costs of New England Telephone's proposal for a telephone system which would tie the Town Hall's system in with that of the School Department and which would also include internal lines to the Highway and Police Departments.

The Board received two communications dated March 16, 1976, from the Town Accountant relative to the breakdown of the 1975-76 telephone account and the presentation of the telephone proposal to the Finance Committee prior to a request for funding at the 1976 Annual Town Meeting.

Mr. Potell suggested that the Town Accountant also present to the Finance Committee information on telephone service other than that provided by the Bell System.

The Executive Secretary reported that he and the Town Accountant had researched this subject and that their findings would be brought to the Finance Committee meeting.

After further discussion, it was on motion unanimously

VOTED: To increase the requested amount in Account 950-99, Telephone, from \$8,000 to \$11,000 to provide for improved telephone service and to request Finance Committee approval of the same.

Request for Appointment of Special Police Officers - Police Chief

The Board received a communication dated March 16, 1976 from the Police Chief, which requested appointment of certain special police officers.

The Board also received a related communication, dated March 9, 1976, from the Lincoln-Sudbury Regional High School's Buildings and Grounds Supervisor.

Following discussion, it was agreed to request of the Police Chief what powers could be executed by the persons appointed as special police officers and a clarification of any possible conflict such an appointment might create for the fifth candidate, who is running as an announced candidate for Constable in the Annual Town Election.

Executive Session

At 10:30 p.m., following an unanimous roll call vote, it was on motion further unanimously

VOTED: To enter into executive session for the purpose of discussing transactions in real property where open discussion may have a detrimental effect on such transactions.

Chairman Taft announced that the public session would not reconvene following the executive session.

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