

IN BOARD OF SELECTMEN  
MONDAY, DECEMBER 13, 1982

Present: Chairman William J. Cossart (arrived 9:00 p.m.), John E. Murray and Anne W. Donald.

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

Utility Petitions 82-26 and 82-27, Willis Road

Present: Robert L. Blake, Boston Edison Company.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered Utility Petitions 82-26 and 82-27 of Boston Edison Company for permission to lay and maintain, and a location for, such lines of direct buried cable with the necessary wires and cables therein, under the following way of the Town:

UP82-26. Willis Road, southeasterly, approximately 85 feet south of Blandford Drive, a distance of about 10 feet - Direct Buried Cable; and

UP82-27. Willis Road, easterly approximately 275 feet southwest of Blandford Drive, a distance of about 15 feet - Direct Buried Cable.

Selectman Murray stated that all appropriate abutters and Town Officials had been notified and that a favorable, joint report had been received under date of December 10, 1982, from the Building and Wiring Inspectors.

Mr. Robert L. Blake of Boston Edison Company stated that the petitions are being requested to provide underground electrical service to two new homes.

It was on motion by Selectman Donald unanimously

VOTED: To approve Utility Petitions 82-26 and 82-27 of Boston Edison Company, as described above, and as shown on plans entitled, "Plan of Willis Rd. - Sudbury, Showing Proposed Conduit Location", dated November 3 and October 25, 1982, respectively.

Fire Department - Permit Fees

Present: Assistant Chief Michael Dunne.

The Board reviewed with Assistant Chief Michael Dunne his communication of December 1, 1982, with attachments, recommending that a fee of \$10 be charged for permits requiring an on-site inspection by the Fire Department, and that a fee of \$5 be charged for permits that are issued at the station. The types of permits were listed on the attachments to his letter; those attachments also included fees charged by surrounding towns for various permits and a copy of the statute regulating the fee for the permit for storage of inflammables in buildings of habitation.

Assistant Chief Dunne stated that Sudbury currently does not charge permit fees.

During discussion of the various permits issued by the Fire Department and brief explanations by Captain Dunne, Selectman Donald suggested that the permit fee for "L.P. Gas" be set at \$5 since there will also be a fee charged by the gas inspector. The Board agreed.

It was on motion by Selectman Donald unanimously

VOTED: To approve the permit fees recommended by Assistant Chief Michael Dunne, with the one exception noted above, as set forth in his communication of December 1, 1982, effective January 1, 1983.

#### Selectmen's Policies and Procedures

The Board was in receipt of a communciation dated November 30, 1982, from Town Engineer James V. Merloni, recommending amendments to the Selectmen's Policies and Procedures, site plan submission process, relative to reproducing site plans.

During discussion there appeared to be a consensus of the Board to support the Town Engineer's recommendations, although there was a question regarding the wording suggested for the amendment to Section 2 (" . . . the signed and approved site plan which will indicate all contingent approvals of all appropriate boards."). There was also the question of whether or not the initial fee to the applicant should be increased to provide the service of duplicating plans or whether it was a question of the Engineering Department not having the manpower to provide this timely service. (The Town Engineer states in his letter that it takes about one hour of an employee's time for printing and collating 14 plans.)

Town Counsel was directed by the Board to consult with the Town Engineer accordingly and get back to the Board.

#### Expenditure - Edwin Barrett Hosmer Memorial Fund

Present: Chairman John C. Powers, Historical Commission.

It was on motion by Selectman Donald unanimously

VOTED: To approve an expenditure of \$1500 from the Edwin Barrett Hosmer Memorial Fund, to be expended under the direction of the Sudbury Historical Commission, for the balance due (\$500 previously paid on deposit) the Pairpont Glass Company on the total cost of \$2000 for producing glass plates as a fund raiser project for the Hosmer House.

Mr. Powers informed the Board that \$1000 in donations had already been committed, with some advance sales, since last Saturday, and that the Historical Commission hoped to make in excess of \$3000 for the Hosmer Memorial Fund through this project.

#### Cancel Meeting

It was on motion by Selectman Donald unanimously

VOTED: To cancel the Selectmen's meeting of December 27, 1982.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular and Executive Sessions of December 6, 1982, as drafted.

Site Plan 82-250, 424 Realty Trust, 424 Boston Post Road

Present: Atty. John C. Powers and William Barton, Architect, 424 Realty Trust; Building Inspector Joseph E. Scammon; Vice President Larry Brodney and Atty. Paul N. Gollub, Bed and Bath.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws the Board considered site plan 82-250 of 424 Realty Trust, for property located at 424 Boston Post Road, Business District #2, for additions and renovations to existing buildings and the demolition of another building for retail and office space.

Acting Chairman Murray read for the record the following communications which had been received in conjunction with the above site plan:

- from the Board of Health, dated December 7, 1982, indicating that two individual septic systems will replace the existing, one which will be abandoned in place, and approving plans for the same;

- from the Town Engineer, dated November 29, 1982, recommending approval subject to his recommendations that 1) the Union Avenue gate be left open; 2) that speed bumps be placed within the aisles to discourage cut-through traffic between Union Avenue and Boston Post Road; 3) that some effort be made toward the Landscape Bylaw;

- from the Planning Board, dated December 8, 1982, recommending approval of the amended plan which shows landscape improvements, concurring with the above-noted recommendations by the Town Engineer, and suggesting a more colonial character be added to the design, i.e., shutters, smaller window panes, carriage lanterns, cupola, etc.

- from the Building Inspector, dated December 10, 1982, not recommending approval of the site plan because of inadequate parking (90 required/83 shown), and several non-conformities to the Landscape Bylaw;

- from the Conservation Commission dated December 6 stating that a Wetlands Protection Act filing is required.

Atty. John C. Powers, for applicant, showed the plan and explained what is proposed, as follows:

1) a 1,895 square foot, one-story addition will be added to the north/northeast rear corner of the building, behind the Bed and Bath store, to be used for another retail store. This is the only ground area being added. The total area of the building owned by the applicant, including Bed and Bath, will be 10,506 square feet.

2) one existing building (small real estate office/house next to the bakery) is to be demolished and a 24' wide extension added to the adjacent building to enlarge the bakery. A second story will be added on the entire building - the lower level to contain approximately 1,104 square feet, and the upper level, 1,593 square feet. The second story will over hang (front, sides, and rear) in a garrison colonial type design.

Atty. Powers stated that there is a property line between the Bed and Bath establishment and the Pizza House (through the building), and that 424 Realty does not own either the pizza house or the cleaners, which are the only other establishments located there, but that it might be possible to dress up the roof on that entire building in a colonial-type design.

Atty. Powers further stated that it would cost approximately \$400,000-500,000 for the construction as proposed which represents a substantial financial improvement in the property.

Atty. Powers stated that he and Mr. William Barton, the Architect for 424 Realty Trust, met with the Planning Board and all agreed that there was very little that could be done to the site to meet requirements of the Landscape Bylaw and pointed out that the Selectmen can waive the requirements of the same if in their judgement the nature of the site prevents or makes their application unnecessary. Atty. Powers expressed his opinion that there is very little in terms of esthetics in the surrounding area which lends itself to that Bylaw; also, the site being discussed prevents a literal application to this Bylaw. The Planning Board was satisfied with the amended plan which showed twelve honey locust trees - eleven trees to be planted along Boston Post Road and one tree to be planted between the two buildings.

The Building Inspector confirmed that the additional parking spaces had now been included on the plan; Mr. Barton stated that he had done the original calculations by inside, rather than outside, measurements, and that now the calculations are correct and the ninety spaces required are shown on the plan.

Relative to the Union Avenue access/egress, Mr. Barton indicated indecision in terms of being a one-way in or out.

Relative to the 15% open space requirement under the Landscape Bylaw, Mr. Powers commented that the lot is already committed to hardtop and travel ways and this makes the Bylaw impractical to enforce on terms of the language of the Landscape Bylaw; also, for a twenty foot setback, a row of parking spaces would be eliminated; "to preserve the visual environment", assumes there is one to begin with! Atty. Powers reiterated that the Selectmen can waive this Bylaw if the site prevents it.

The question was raised that another store behind Bed and Bath might warrant a traffic study.

Atty. Powers stated that the applicant would be agreeable to the Town Engineer's recommendations that the Union Avenue gate be left open and that speed bumps be located in the aisles to discourage cut-through traffic.

Atty. Powers stated that the applicant has not contemplated any changes in the Bed and Bath site at this time.

Atty. Paul N. Gollub, on behalf of Bed and Bath in opposition of the site plan, commented as follows:

1) under the terms of agreement in its 15-year lease, section 4, page 2 (copies of which he distributed to the Board), the parking lot between Bed and Bath and the Apothecary, parking lot #2, is reserved exclusively for Bed and Bath. Atty. Gollub stated he did not feel it would be reasonable to expect that any employees and/or customers of the proposed addition to that building would use the other parking areas which were farther away from the store, yet they should not be expected to use a parking lot reserved exclusively for another store;

2) under the terms of that agreement, page 3, section 6, Bed and Bath also has exclusive rights for three storage trailers in that same parking lot. Each one takes up approximately two spaces, thereby eliminating six spaces for the overall proposal;

3) the proposed walkway shown on the plan eliminates parking alongside Bed and Bath in parking lot #2, which deprives Bed and Bath, under the terms of its lease, of a number of supposedly exclusive spaces;

4) the dumpster will be relocated farther away from Bed and Bath which is unsuitable to its use;

5) this is already a congested area and with additional tenants on adjoining properties, it is logical to assume there will be increased traffic. .

Atty. Powers responded that the matter of the lease is between the tenant and the landlord, and that the exclusive rights of the tenant is not the responsibility of the Board of Selectmen.

Mr. Barton stated that he did discuss the additional layout with the gentlemen who are present tonight from Bed and Bath, and that he has tailored the space needs to their building as much as possible.

Atty. Gollub stated that Bed and Bath had only been notified one week ago regarding the proposed plans. Mr. Barton stated that he has been at the drafting board for at least six months on these plans, and that, as far as he knows, the owners had relayed these drawings to them.

Mr. Scammon stated that the State curb cuts have been issued.

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

VOTED: To take under advisement until December 20 Site Plan 82-250 of 424 Realty Trust, for property located at 424 Boston Post Road, for the purpose of voting and in order to allow an opportunity for Chairman Cossart to be updated on tonight's hearing.

Expenditure - Goodnow Library Trust Fund

Present: Chairman Aleta F. Cane, Goodnow Library Trustee; and Chester Hamilton, Co-Trustee of Town Donations.

Executive Secretary Richard E. Thompson reviewed with the Board a communication dated November, 1982, from Chairman of the Goodnow Library Trustees, Aleta F. Cane, addressing three areas of concern, as follows:

- 1) that \$10,000 be transferred to the Goodnow Library Income Account as previously authorized;
- 2) that the Lydia B. Raymond Fund be restored to a status distinct from the general Goodnow Trust Fund; and
- 3) that the Trustees of Town Donations remit \$2,000 to the Trustees of the Goodnow Library for the acquisition and maintenance of historic materials pertinent to the history of the Town of Sudbury.

Mr. Thompson responded that items #1 and #2 had been accomplished to the satisfaction of the Library Trustees, and on his recommendation, it was on motion by Selectman Murray unanimously

VOTED: To approve, as Co-Trustees of Town Donations, under the provisions of Chapter 180 of the Acts of 1911, an expenditure of \$2,000 from the Goodnow Library Trust Fund Income Account by the Goodnow Library Trustees, for the acquisition and maintenance of historic materials pertinent to the history of the Town of Sudbury.

As Co-trustee of Town Donations, Mr. Chester Hamilton voted in favor.

Mr. Thompson added that there is a balance in the account of \$6,147.94 prior to the above expenditure.

Accept Donations

It was on motion unanimously

VOTED: To accept on behalf of the Town the following donations:

- a. \$13, as part (second Payment) of a \$1,000 commitment, Grant #3B-83-02-00 from Bay Path Senior Citizens Services, Inc., to the Council on Aging for van transportation;
- b. \$25 to be expended under the direction of the Selectmen for improvements at Heritage Park, given in memory of Jean B. Alexander by Josiah F. Frost.

Recognition: Tax Collector and Town Treasurer

It was on motion by Selectman Donald unanimously

VOTED: To publicly congratulate and acknowledge the recognition given to Tax Collector Isabelle K. Stone and Town Treasurer Chester Hamilton by the Massachusetts Collectors and Treasurers Association under date of December 10, 1982.

Transportation - Route 20

The Board acknowledged receipt of a December 7, 1982, communication from James F. Carlin, Secretary of the State Executive Office of Transportation & Construction, pointing out that he and Governor King would like to resolve as many outstanding transportation issues as possible during the remaining weeks of their respective terms.

The Board directed the Executive Secretary to forward a letter of response to Mr. Carlin stressing the Town of Sudbury's highest priority is the widening of Route 20 in Sudbury.

Conservation Land Acquisition

Executive Secretary Richard E. Thompson informed the Board that Assistant Town Counsel Thomas M. French, representing the Conservation Commission at an auction, Friday, December 10, had been successful in bidding for a parcel of land for the Conservation Commission. The purchase price was \$10,000. The Board will be receiving confirmation of the successful bid in writing from Mr. French.

Town Space Needs

Mr. Thompson updated the Board on his meeting with Town officials and employees, Wednesday, December 8, to discuss the best alternatives and options for variations in space allocations within Town Government offices. Mr. Thompson stated he and Town Engineer James V. Merloni will again meet with elected Town Hall officials, Wednesday, December 15, and that he will update the Board again after that meeting.

Budget Reviews

Present: Marjorie W. Wallace, Finance Committee..

Accounting Budget

Present: Town Accountant James Vanar.

At its meeting of December 6 the Board tabled the Town Accountant's FY84 budget and requested that he revise the same in an effort to reduce the overall percentage increase.

The Board noted receipt of the Town Accountant's communication dated December 10, 1982, explaining reductions in certain areas.

Mr. Vanar expressed his intention to put in a small inexpensive desk-top "Apple" computer in his office in conjunction with those already installed in the School Department, if funds in his current budget allow him to do so this spring, but will report back to the Board before doing so.

It was on motion unanimously

VOTED: To accept the Town Accountant's FY84 budget, with the amendments noted in the Town Accountant's communication of December 10, for submission to the Finance Committee.

Police Budget

Executive Secretary Richard E. Thompson stated that the Police budget had been re-submitted and now reflects the recommendations made by the Selectmen at the December 4 budget hearings; namely, the base salary only is shown for the Police Chief (holiday pay was taken out), and career incentive and longevity amounts were broken away from each individual Police Officer's salary and shown separately.

The Selectmen agreed that they would have to prepare a presentation on this budget before they brought the same before the Finance Committee to justify the large percentage increase.

It was on motion unanimously

VOTED: To accept the Police FY84 budget as drafted and amended, for submission to the Finance Committee.

Selectmen-Law Budget

It was on motion by Selectman Murray unanimously

VOTED: To accept the Selectmen/Law Department FY84 budget as originally presented, for submission to the Finance Committee.

Later, under discussion of the Unclassified Budget, it was on motion by Selectman Murray unanimously

VOTED: To add \$2,000 to the Clerical Overtime Account 501-12 to pay for hours being worked but for which monies have not been appropriated in previous years; if a word processor is approved, this sum is to be deleted.

Unclassified Budget

The Board reviewed for the second time the Unclassified Budget which had been amended to include the figure of \$6,200 for Account 950-95, Word Processor, and an increase of \$600 in the 950-98, Postage account, to cover maintenance of the postage meter and scale transferred from the Town Accountant's budget.

Also received was a memorandum dated December 10 from Mr. Thompson and Mrs. Silva setting forth the advantages of purchasing a word processor. The following amendments were requested to be added to this memorandum which would be forwarded to the Finance Committee for consideration when reviewing line item 950-95:

1. Show the typewriter proposed for 1984-85 as a definite trade-off.
2. Indicate \$2,000 in overtime as an actual expense which would also be a trade-off (voted to include \$2,000 in Selectmen's overtime budget for 1983-4; see above).
3. Provide data on actual savings and payback and provide breakdown of word processor equipment costs.



Ms. Marjorie Wallace of the Finance Committee recommended that the processor be made available for use by part-time secretaries to process minutes and that calculations of savings realized by this use be included.

The Board approved the Unclassified Budget as presented and the accompanying memorandum on word processing as amended above.

#### Wayland-Sudbury Septic Disposal Facility

Selectman Donald asked about the schedule of opening for the Wayland-Sudbury Septic Disposal Facility and Mr. Thompson reported that he would check on that and report back.

#### Community Signs

The Board acknowledged receipt of a communication dated December 7, 1982, from Robert J. Ogar, Chairman of the Raffle Sales and Campaign for Sudbury Business Sponsors, Sudbury Youth Hockey Association, requesting the use of the Town billboards (community signs on Routes 20 and 117) for their "kick-off" on December 18.

It was on motion by Selectman Donald unanimously

VOTED: To authorize the immediate use of the two community signs on Routes 20 and 117 through December 18th, by the Sudbury Youth Hockey Association, as requested by them and as noted above, subject to Sign Review Board approval.

Executive Secretary Richard E. Thompson stated that he would inform the Association of the requirement for good taste in the design and display of the sign and that the sign be removed immediately following the event.

#### Sudbury Variety

Executive Secretary Richard E. Thompson informed the Board that, upon recommendation by Town Counsel, he had notified Sudbury Variety to disregard the notice of suspension of its wines and malt beverages store license, issued under date of December 7 by the Selectmen following the Board's decision on December 6th.

Mr. Thompson recommended that the Board repeat its vote of December 6 at this time since action was no longer pending by the Superior Court on the appeal by Sudbury Variety to the Board's initial revocation on September 27, 1982, of said license. (The suspension was initiated to take the place of the revocation on the recommendation of the Alcoholic Beverages Control Commission.)

It was on motion by Selectman Murray unanimously

VOTED: To amend the Board's vote of September 27, 1982, which revoked the Wines and Malt Beverages Package Store License issued on November 30, 1981, to Richard J. Rogers, d/b/a Sudbury Variety, 621C Boston Post Road, Sudbury, by imposing instead a penalty of a fifteen-day suspension of said license, effective the day after receipt of written notification for four consecutive days; (the revocation on September 27, 1982, had been in effect for eleven days before the appeal, leaving only four days for fulfill the same).

Executive Session

At 9:50 p.m. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing the reputation and character, physical condition or mental health rather than the professional competence of a single individual.

(Roll call vote: Chairman Cossart, in favor; Selectman Murray, in favor; Selectman Donald, in favor.)

Chairman Cossart announced that Public Session would not reconvene following the Executive Session.

Attest: \_\_\_\_\_

Richard E. Thompson  
Executive Secretary-Clerk