

IN BOARD OF SELECTMEN  
WEDNESDAY, MARCH 27, 1985

Present: Chairman Anne W. Donald, Myron J. Fox and Josiah F. Frost.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:00 p.m. by Chairman Donald.

Reorganization of Board

It was on motion by Chairman Donald unanimously

VOTED: To elect Myron J. Fox, Chairman, and Josiah F. Frost, Vice Chairman of the Board of Selectman, effective immediately, until the next reorganization of the Board of Selectmen;

and it was further

VOTED: That Richard E. Thompson continue to serve as Clerk to the Board of Selectmen;

and it was further on motion by Selectman Fox unanimously

VOTED: To appoint Anne W. Donald Middlesex County Advisory Board Designee and Richard E. Thompson Massachusetts Municipal Association Legislative Liaison;

and it was further on motion by Selectman Donald unanimously

VOTED: To set the time and place of the Selectmen's meeting to be on Monday evenings at 7:30 p.m., in the lower Town Hall, until further change.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of March 18, 1985, and the Master Plan Review section of the minutes of March 11, 1985 meeting, both as corrected.

Licenses/Sudbury Bowladrome, 136 Boston Post Road

Present: Helene White of Posternak, Blankstein & Lund, representing the applicant.

Chairman Fox convened a public hearing under M.G.L.c.140 on the application(s) of Morton H. West, Anita B. West and Lester N. Sagan, Northeast Recreation Company Limited Partnership, d/b/a Sudbury Bowladrome, for bowling alley and weekday billiard table licenses to be exercised at premises located at 136 Boston Post Road; also under consideration were licenses for Public Entertainment on Sunday to operate automatic amusement devices and pocket billiard tables, and an annual weekday license to operate six automatic amusement devices. All of the above applications, as stated in a March 18, 1985, communication from the applicant's attorney are a result of a change in

ownership of Sudbury Bowladrome from a corporate entity, Sudbury Bowladrome, Inc., to a limited partnership, Northeast Recreation Company, involving the same individuals.

It was on motion unanimously

VOTED: To grant the following licenses to Morton H. West et als, Northeast Recreation Company, d/b/a Sudbury Bowladrome, to be exercised at premises located at 136 Boston Post Road:

- a) License to operate twenty-four bowling alleys on weekdays from 8:00 a.m. to 12:00 midnight and on Sunday from 9:00 a.m. to 11:00 p.m.; and six pocket billiard tables on weekdays from 8:00 a.m. to 12:00 midnight for the period commencing April 1, 1985, through April 30, 1985, said license to be issued upon receipt of fees by the Town Clerk;
- b) License for Public Entertainment on Sunday to operate pocket billiard tables (six) from 1:00 p.m. to 11:00 p.m. commencing April 7, 1985, through March 30, 1986, subject to the approval of the Massachusetts Department of Public Safety;
- c) License for Public Entertainment on Sunday to operate Automatic Amusement Devices (six coin-operated computer games) from 1:00 p.m. to 11:00 p.m., commencing April 7, 1985, through March 30, 1986, subject to the approval of the Massachusetts Department of Public Safety; and
- d) Weekday (annual) license to operate six automatic amusement devices (coin-operated computer games) on weekdays from 8:00 a.m. to midnight, for the period commencing April 1, 1985, through December 31, 1985.

Executive Secretary Richard E. Thompson noted for the record that all appropriate abutters had been notified and that legal notice of this public hearing had been properly advertised; also, that an affirmative recommendation had been received from the Fire Chief, letter dated March 20, 1985, and verbally from the Police Chief, the Building Inspector and the Health Director.

Planning Board Communication/Chiswick Trading Company

Present: Morton L. Brond, Planning Board.

The Board acknowledged receipt of a Planning Board communication dated March 14, 1985, relative to issues related to the Chiswick Trading Company's proposed commercial site plan.

Executive Secretary Richard E. Thompson stated that the Board had approved Chiswick's application to construct a temporary "bubble" to be used as a warehouse pending site plan approval; that subsequent to that, the Planning Board had a preliminary meeting with Chiswick and as a result of that

meeting the Planning Board is requesting that an environmental impact study be done by a hydrologist.

Planning Board member Morton L. Brond explained that the Planning Board is very concerned about encroachment of the wetlands, aquifers, and re-charge areas of the Town and not sure that there should be added construction in that area for this reason. Mr. Brond explained the location of the proposed site development (east of Raytheon, west of Colonial liquor store, north of Route 20) and Chiswick's plans to construct a 1,000 square foot warehouse facility on the northwest section of the piece of property. There would be some additional truck traffic as a result of this warehouse being constructed; they are also proposing to put in a roadway that would provide a curb cut to Route 20 between the liquor store and the proposed building.

Chairman Fox stated he was glad the Planning Board had brought up these concerns before the Selectmen's site plan hearing and suggested that the Selectmen meet with the Planning Board, the Water District, the Board of Health and the Conservation Commission. The Executive Secretary was directed to contact the Planning Administrator and arrange such a meeting.

#### Warrant Review

Present: Town Moderator Thomas D. Dignan, Jr.; Town Clerk Jean M. MacKenzie; Town Treasurer Chester Hamilton; Town Accountant James Vanar; Chairman Marjorie Wallace and Carmine L. Gentile, Finance Committee; Planning Administrator Lee Newman; Morton L. Brond, Lael M. Meixsell and John Drobinski, Planning Board; Peter A. Berkel, Park and Recreation Commission; and David Pettit, Sudbury School Committee.

At 8:00 p.m. Chairman Fox welcomed newly-elected Moderator Thomas G. Dignan and Town officials, boards and commissions, and called the 1985 Annual Town Meeting Warrant Review to order.

There followed a review of the Warrant with motions, presentations, and procedures for each article discussed and agreed upon.

At 9:30 p.m. Chairman Fox tabled discussion on this subject to convene a public hearing scheduled for 9:00 p.m.; at 9:50 discussion continued and is summarized as follows:

Mr. Dignan indicated his intention to put into effect, subject to appeal/challenge by the Meeting, use of the Bourne Rule throughout the entire Warrant, which would require any motion that increases an appropriation beyond the recommendation of the Finance Committee to include the source of funding.

Mr. Dignan also proposed a new procedure to be used during consideration of the Budget, Art. 6. The Budget will be kept open until Town Meeting has agreed upon the entire budget. To do this, a motion will be made by the Finance Committee for the entire budget and motions to amend the main motion will be entertained; thus, no portion of the budget will be closed for consideration until the entire budget has been debated. One vote will be taken after debate and amendments are completed. Under said procedure, he would rule a motion out of order which requests that the source of monies for

a given Budget line item be appropriated from another ATM article; a 4/5 vote would be required to take said article out of order, if desired, before the budget line item is voted upon.

Opposition to the ramifications of the procedure, particularly in relation to the difficulty of funds being shifted between the Budget article and other articles was expressed. The Moderator expressed his willingness to give more thought to the procedure before finalizing it, taking into consideration the current financial picture.

Following a lengthy discussion the Selectmen asked if the Moderator would prepare a press release and handout for Town Meeting which would explain how the Bourne rule will apply to the Town Meeting, and, in addition, directed the Moderator to briefly explain the procedures/restrictions at the beginning of each TM session.

The Executive Secretary stated that a "score card" is kept by the Town Accountant throughout Town Meeting to provide the latest update on the financial status of the Town Meeting.

#### Liquor License Transfer/Winchesters

Present: President Charles J. Jaffe, Clerk & Treasurer Robert Jaffe, Vice President Mathew P. Renaghan, Michael E. Sweeney and Manager Robert H. Doe, Jr., Matt Garrett's of Sudbury, Inc., d/b/a Winchester & Company.

Chairman Fox convened a public hearing on the application for a Transfer of a Restaurant License for the Sale of All Alcoholic Beverages, under G.L.c.138,s.12, from Winchesters of Sudbury, Inc., Stephen Goldberg, Manager, d/b/a Winchester & Company, for property located at 120 Boston Post Road, to Matt Garrett's of Sudbury, Inc., Robert H. Doe, Jr., Manager, d/b/a Winchester & Company; on a request for permission to pledge the All Alcoholic Beverages Restaurant License and capital stock as collateral to the Coolidge Corner Cooperative Bank; and on an application for Common Victualler and Weekday Entertainment Licenses.

Following introductions, Mr. Charles J. Jaffe stated that they have two Matt Garrett Restaurants, one in Coolidge Corner, Brookline, and the other at Westgate Mall, Brockton; a Pick-A-Chick Restaurant in Brookline; and two Pewter Pot family restaurant franchises. He submitted to the Board a proposed menu for the Matt Garrett-owned restaurant at Winchester's in Sudbury and stated that they plan to keep the name Winchesters for a 2-3 month period while they get together their plans and remodel the restaurant before renaming it Matt Garrett's.

Responding to Chairman Fox, Mr. Jaffe said that two changes in the entertainment license application are: 1) a change in hours (currently 7:00-11:00 p.m.; requesting to 8:00 p.m. to midnight), and dancing.

Mr. Jaffe continued to say that the Sudbury facility is larger than their other restaurants, it is a serious investment and they feel that a good attraction to their restaurant would be to provide dancing. He added that

they anticipate food would represent about 70% of their business, while beverage sales, both alcoholic and non-alcoholic would represent only 30%.

Information supplied by the applicants included the following:

- joint application for transfer of liquor license dated January 30, 1985;
- application of Matt Garrett's of Sudbury, Inc., for Alcoholic Beverage License dated March 6, 1985;
- a corporate vote of March 4, 1985, to request the alcoholic license transfer and authorizing Charles J. Jaffe to sign the application for the same in the name of Matt Garrett's of Sudbury, Inc., and to execute all necessary papers related thereto;
- Articles of Organization, Matt Garrett's of Sudbury, Inc.;
- a Corporate vote of March 4, 1985, appointing Robert H. Doe, Jr., Manager of Matt Garrett's of Sudbury, Inc., d/b/a Winchester's Restaurant;
- two tax statements signed by corporate officers of Winchesters of Sudbury, Inc., and Matt Garrett's of Sudbury, Inc.;
- declaration of business - Winchester & Co., dated March 8, 1985, igned by Charles J. Jaffe;
- letter of application dated March 7, 1985, to pledge the All-Alcoholic Beverages License to be acquired from Winchester's of Sudbury, Inc., by Matt Garrett's of Sudbury, Inc., and to pledge the Capital Stock of the Corporation to the Coolidge Corner Cooperative Bank of Brookline;
- application for common victualler license, dated March 8, 1985; and
- application for (weekday) entertainment license, dated March 8, 1985.

Executive Secretary Richard E. Thompson stated that all appropriate abutters had been notified and that the proper legal notice of this hearing had been published in a local newspaper. Mr. Thompson noted receipt of favorable reports from the Police Chief, dated March 15, 1985, stating no objection and that Probation records indicate that the new owners have no criminal records; from the Fire Chief, dated March 21, requesting notification of all physical changes to the premises; and favorable verbal reports from both the Building Inspector and the Board of Health. Mr. Thompson informed the applicants that any interior changes to the premises would require another hearing.

It was on motion by Selectman Frost unanimously

VOTED: To authorize the transfer of a Restaurant License for the Sale of All Alcoholic Beverages, under G.L.c.138,s.12, from Winchesters of Sudbury, Inc., Stephen Goldberg, Manager, d/b/a Winchester & Company, for property located at 120 Boston Post Road, to Matt Garrett's of Sudbury, Inc., d/b/a Winchester & Co., Inc., Robert H. Doe, Jr., Manager;

and it was further

VOTED: To grant permission to Matt Garrett's of Sudbury, Inc., d/b/a Winchester & Company, Robert H. Doe, Jr., Manager, to pledge the All Alcoholic

Beverages Restaurant License and capital stock as collateral to the Coolidge Corner Cooperative Bank;

and it was further

VOTED: To grant a Common Victualler, All Alcoholic Beverages License to Matt Garrett's of Sudbury, Inc., d/b/a Winchester & Company, Robert H. Doe, Jr., Manager, to be exercised at property located at 120 Boston Post Road, Monday through Thursday, 11:00 a.m. to 12:00 midnight, Friday and Saturday, 11:00 a.m. - 1:00 a.m., and Sunday, 12:00 noon to 12:00 midnight;

and it was further

VOTED: To grant a weekday Entertainment License to Matt Garrett's of Sudbury, Inc., d/b/a Winchester & Company, Robert H. Doe, Jr., Manager, to be exercised at property located at 120 Boston Post Road, during the hours of 8:00 p.m. to 12:00 midnight, for television, taped background music, live music entertainers (up to 3), and dancing to subdued, conventional music.

#### Positions/ATM Articles

The Selectmen discussed the articles 23, 24-27, 37-38 on the 85ATM Warrant on which they had not finished taking positions, and it was on motion by Selectman Fox unanimously

VOTED: To support Article 24, Amend Bylaws, Art. IX,V,B,1 - Off-street Parking; Article 25, Amend Bylaws, Art. IX,IV,A - Intensity Regulations, Lot Perimeter, subject to Town Counsel and the Town Engineer confirming that it can be done legally; and Article 37, Sell TPP#189, Crystal Lake Drive, subject to a minimum selling price of \$30,000.

Article 24 - The Executive Secretary reported that both the Town Engineer and the Building Inspector supported this article, however felt that there should be some mechanism for a waiver by the Board of Selectmen in the future. The Building Inspector added that it is restrictive; for example, under Stanmar's present plan to expand, the current bylaw requires ten spaces and, if amended, would require fifty.

Article 25 - Mr. Thompson reported that the Town Engineer thinks this article should be withdrawn and Town Counsel agrees; the Building Inspector feels that on a lot which is under 24,600 square feet, this article would not work. The Selectmen were in favor of eliminating rat-tail lots and supported the article subject to Town Counsel or Assistant Town Counsel and the Town Engineer working with the Planning Board so that it is legal.

#### Article 26

And it was further on motion by Selectman Donald unanimously

VOTED: To speak as individuals on Article 26, Amend Bylaws, Art. IX, section II,c - Create Business District #17 (Route 20/Landham Road).

The Board agreed to speak as individuals since Selectman Frost supported the article while Selectman Fox opposed it. Selectman Fox felt this position not to support "up-zoning" was consistent with his past position to not support the down-zoning of the Codjer Lane Industrial Park to residential. He felt that people know when they buy a piece of property how surrounding properties are zoned and he did not feel comfortable supporting a change in zoning in either case for that reason. Selectman Donald agreed with Selectman Frost that the article could use further study by the Planning Board.

Article 27

Mr. Thompson stated that the Town Engineer supports this article; the Building Inspector believes it needs some standards. The Selectmen agreed that standards are necessary and supported the article based on those standards being established, i.e., change in the slope, change in the location of the driveway, and change in the grade at street level.

It was on motion by Selectman Fox unanimously

VOTED: To refer Article 27, Amend Bylaws, Art. V, Public Safety - Driveway Location, to the Planning Board for further study in order to develop some standards/guidelines, to be done in conjunction with the Town Engineer.

Article 38

It was on motion unanimously

VOTED: To hold taking a position on Article 38, Amend Bylaws, Art. IX,V,B - Off-street Parking, pending receipt of minutes of the Planning Board's public hearing on this article.

Chairman Donald suggested that the wording of this article be amended by removing the clause "wherever possible" and replacing it with the words "the applicant must show cause why he cannot put all parking in the rear". Chairman Fox expressed his opinion that wording such as that would not be a change from the way Town officials/boards currently deal within the confines of the bylaw. The Selectmen felt that this article would be too rigid to work. Selectman Frost felt it would be difficult to enforce without creating a hardship on the developer. Selectman Fox stated his personal support of the article since it is his preference that parking be in the rear of buildings; it would require Board of Appeals approval on the basis of demonstrating hardship. The Selectmen agreed that they wanted to hear from the Planning Board on this issue.

Note: The Selectmen were in receipt of a communication dated March 25, 1985, from the Planning board stating support of this article and that the Planning Board would report further at Town Meeting.

Article 23

It was on motion by Selectman Fox unanimously

VOTED: To define their support of Article 23, Sale of Land Off Pratt's Mill Road, by conditioning that support on proceeds being a minimum of \$30,000.

Article 22A, 22B - Sign Bylaw Amendments - The Board noted receipt of a communication dated March 26, 1985, from the Planning Board recommending indefinite postponement of this article.

Articles 31 & 32 - The Selectmen directed Mr. Thompson to get back to them regarding these two walkway articles - how much money the petitioners plan to appropriate under these articles (\$60,000 firm?) and the legality of appropriating the same from the Stabilization Fund.

Communication/Massachusetts Municipal Association

The Board acknowledged receipt of Massachusetts Municipal Association communications dated March 5 and 15, 1985, in reference to legislative concerns, specifically the State Education reform bill, Federal budget cuts relative to Federal Revenue Sharing, and State Senate bill 1540 pertaining to CATV franchise fees.

The Board reached a consensus to oppose items 1 and 2 above and to support item 3, and directed the Executive Secretary to contact Senator Cellucci and Representative Lucile Hicks accordingly.

Transfer Request/Fire

Following a brief discussion, it was on motion by Selectman Donald unanimously

VOTED: To approve Request #40, dated March 15, 1985, for a transfer of \$9,257 from Account 310-11, Fire Salaries, to Account 310-12, Fire Overtime, as requested by Fire Chief Michael Dunne by letter of March 18.

(Selectman Frost abstained from participating in the discussion and voting as his sons are members of the Fire Department.)

Request for Fire Engine

The Board acknowledged receipt of a communication dated March 21, 1985, from the Fire Chief concerning funding for a new fire engine in FY87, noting that they understood and are working to protect the Town's interest.

Road Race

In accordance with a communication dated March 20 from the Greater Boston Track Club, Inc., it was on motion unanimously

VOTED: To approve the use of Fairbank School facilities in conjunction with the National Women's 25KM road race, on June 16, from 7:00 a.m. to 3:00 p.m., requested in a communication dated March 20, 1985, from Frances Fisher of the Greater Boston Track Club, subject to said organization providing the Town

prior to the race with personal injury and property damage insurance coverage and subject to Fire and Police Chief approvals.

Parker Academy

Executive Secretary Richard E. Thompson brought to the Board's attention a communication to Town Counsel dated March 27 from Atty. Michael S. Hargreaves, counsel for Drs. Lucy T. and Robert A. Parker, d/b/a Parker Academy, 248 Concord Road. In his letter Atty. Hargreaves explained that the Parkers withdrew their application for a special permit to operate their school, stated that said Parker Academy is duly organized as a non-profit educational corporation pursuant to M.G.L.c.180, and noted several similar appeal cases of record.

Environmental Analysis/Fort Devens Annex

The Board was in receipt of a communication dated March 25 from Edward W. Newell, Colonel, Armor, Installation Commander, Fort Devens, inviting interested Town officials to a briefing relative to a preliminary report based on an environmental analysis of the Sudbury Annex, i.e., quality of surface and groundwater, to be held April 11, 7:30 p.m., at the Post Headquarters building. The Board directed Mr. Thompson to forward a copy of said invitation to the Health Director, the Planning Administrator, the Conservation Commission and the Water Commissioners.

Raytheon Towers

Mr. Thompson called the Board's attention to the Board of Appeals January 8th decision to deny the construction of temporary towers at Raytheon Company.

Set Hourly Rate/Plumbing Inspector

In accordance with communications received from the Building Inspector dated February 25 and from Town Counsel's office dated March 8, it was on motion by Selectman Donald unanimously

VOTED: To set the Plumbing Inspector's hourly rate for non-inspection services at \$30 per hour, retroactive to February 5 and, accordingly, to compensate the Plumbing Inspector for hearing appearances, in the amount of \$259.50, invoice #1368, dated February 18, 1985, as submitted.

Office Hours/Chet Atkins

Mr. Thompson informed the Board that State Representative Chester G. Atkins will hold open house in Framingham from 3:00-5:00 p.m., March 30, at his new office.

Municipal Employees/Tax on Cars

Selectman Donald brought the Board's attention to an article in the March 25 issue of the Middlesex News entitled, "Employees must pay to use

Weston cars", relative to the IRS ruling which imposes a Federal tax for using a Town vehicle to commute to and from work. Executive Secretary Richard E. Thompson stated that Town Counsel has seen the article and will be sending a memorandum to the Selectmen advising them on the issue.

Goodnow Library Grant Award

In accordance with a request dated March 20, 1985, from the Greater Boston Track Club, Inc., it was on motion unanimously

VOTED: To approve acceptance of the award of \$25,000 to the Goodnow Library under the National Endowment for the Humanities Challenge Grant Program, and also to approve acceptance of funds received by the Library through fund-raising locally for the purpose of matching the Challenge Grant, as provided in MGL Ch.44 §53A.

This grant will be utilized to help fund the Library's automation project.

There being no further business to come before the Board, the meeting was adjourned at 12:45 a.m.

Attest:

Richard E. Thompson  
Executive Secretary-Clerk