

IN BOARD OF SELECTMEN  
MONDAY, SEPTEMBER 12, 1994

Present: Chairman Lawrence L. Blacker, and Maryann K. Clark. Selectman John C. Drobinski arrived at 8:00 p.m.

The statutory requirements as to notice having been met, the meeting was convened at 7:30 p.m. at the Fairbank Senior Center by Chairman Blacker.

MGL Chapter 44, Sec. 6A - Advance of Funds in Lieu of Borrowing

Present: Town Treasurer and Collector Mary Ellen Normen Dunn.

Mrs. Dunn reported that the State has changed its regulations and now allows towns to borrow from themselves in anticipation of receiving State reimbursement, in order to avoid a debt situation for a short period of time.

On the recommendation of Treasurer and Collector Mary Ellen Dunn, it was on motion unanimously

VOTED: In accordance with M.G.L. Chapter 44, Section 6A, to authorize the Chairman to sign documents approving advancement of funds in lieu of borrowing for two projects as follows: Shermans Bridge Construction in the amount of \$5,053.50 and Hudson Road Repairs in the amount of \$55,000.

Highway State Aid Allocation

The Board acknowledged receipt of a communication from Mass. Highway Department explaining the allocation of funds relative to Chapter 90, State Aid (Highways), and Chapter 85, Acts of 1994, dated September 6, 1994.

It was on motion unanimously

VOTED: To sign allocation memorandum (MA #35707) to be returned to the Mass. Highway Dept. relative to Sudbury's entitlement for reimbursement of approved documented expenditures under G.L. Ch. 90, S. 34, Clause 2(a) to the amount of \$1,031,846, the first apportionment of Ch. 85 funds assigned to this memorandum being \$515,923.

Utility Petition #94-16 - Concord Road

Present: Edmund Kelly, Boston Edison Company.

The Board convened a public hearing to consider Utility Petition #94-16 of Boston Edison and New England Telephone and Telegraph Company for permission to install approximately 3 feet of conduit on Concord Road.

Secretary Thompson reported that all abutters had been properly notified and approval has been received from the Building and Wiring Inspector in a communication dated August 24, 1994.

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On motion by Chairman Blacker, it was unanimously

VOTED: To approve Utility Petition #94-16 of Boston Edison Company and New England Telephone and Telegraph Company for permission to install approximately 3 feet of conduit on Concord Road, shown on Boston Edison Company plan of Concord Rd. - Sudbury, dated July 27, 1994, and on New England Telephone and Telegraph Company Plan for Conduit, No. 94-10, dated August 16, 1994, under the following public way of the Town:

Concord Road - northeasterly approximately 3,677 feet southeast of  
Twin Pond Lane, a distance of about 3 feet - conduit.

Loring School Leases

Secretary Thompson reported that another meeting is scheduled for Wednesday, September 14, 1994 at 3:30 p.m. for the purpose of further discussions in moving toward the signing of a lease between the Town and all lessees of the Loring School.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of August 22, 1994 as amended by Selectman Clark.

Council on Aging Donation

It was on motion unanimously

VOTED: To accept \$138.04 in miscellaneous donations for deposit into the Council on Aging Van Donation Account and to authorize the Council on Aging to expend the same for purposes of operating and maintaining the Council on Aging vans.

Repurchase of Cemetery Lots

At the request of Robert A. Noyes, Superintendent of Cemeteries, in a communication dated August 29, 1994, it was on motion unanimously

VOTED: To grant a request from Phyllis Kaufman, 178 Woodside Road, to sell back to the Town four graves in New Town Cemetery, Lot 19, Section 10, Deed #916, (Sale of Lots \$300; Perpetual Care \$900).

Walkway Easement - Goodman's Hill Road

It was on motion unanimously

VOTED: To accept on behalf of the Town a Walkway Easement granted by Robert and Perry A. Beckett, dated September 1, 1994, as shown on "Plan Showing Proposed Walkway Easement Over Land of Robert Beckett & Perry A. Beckett, 118 Goodman's Hill Road, Sudbury, MA", dated April 1, 1994, drawn by Town of Sudbury Engineering Department.

United Nations Day - Proclamation

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At the request of United Nations Association, Massachusetts Chairman, Michael Dukakis, in a communication dated August 9, 1994, it was on motion unanimously

VOTED: To sign a proclamation designating October 24, 1994 as United Nations Day in Sudbury.

Police Department - Disposition of Equipment

At the request of Police Chief Peter B. Lembo in a communication dated August 31, 1994, it was on motion unanimously

VOTED: To approve, in accordance with Town Property Bylaw, Art. XII, disposition of Police Department equipment, as follows: 1) Decmate Digital word processor and printer - donate or discard; and 2) Adler electric typewriter - transfer to Accounting Department.

Town Donations

**Memorial Day Committee**

Upon receipt of a schedule of departmental payments to the Town Treasurer, dated June 24, 1994, it was on motion unanimously

VOTED: To accept on behalf of the Town, donations to the Memorial Day Committee received in FY94: \$25 from Star Market Co. and \$25 from Raytheon Co., to be expended by the Memorial Day Committee for essay awards.

**D.A.R.E. Program**

Upon receipt of a communication dated September 7, 1994, from D.A.R.E. Officer Ronald B. Conrado, it was on motion unanimously

VOTED: To accept on behalf of the Town a grant received under the Cigarette Tax Fund in the amount of \$17,001 to be expended under the direction of the Police Chief for the D.A.R.E. Program.

Arthritis Foundation - 3rd Annual Autumn Classic Cycle Tour

At the request of David D. Coleman II, Bike Ride Coordinator for the Arthritis Foundation Massachusetts Chapter, Inc., it was on motion unanimously

VOTED: To grant permission to the Arthritis Foundation for conducting its Third Annual Autumn Classic Cycle Tour through Sudbury on October 16, 1994, in accordance with its request dated August 23, 1994, and any requirements of the Sudbury Police Department.

Town Report Preparation Committee - Appointment

It was on motion unanimously

VOTED: To table making an appointment to the Town Report Preparation Committee due to insufficient information.

Reserve Fund Transfer No. 95-05 - Fire Department

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It was on motion unanimously

VOTED: To approve Reserve Fund Transfer Request No. 95-05, dated August 31, 1994, for \$6,380.64 to be transferred to Fire Sick Buy Back (\$1741.20) and Fire Overtime (\$4639.44) to pay Arbitration Award for Firefighter James Jackson.

Loring Parsonage - Exterior Repairs, Painting and Reglazing

On the recommendation of Building Inspector John B. Hepting, in a communication dated September 8, 1994, it was on motion unanimously

VOTED: To contract with Arthur H. Boyd Jr., for making exterior repairs to, and painting and reglazing the Loring Parsonage, pursuant to bid opening on September 7, 1994, for the low bid amount of \$19,200, in accordance with bid dated September 2, 1994, and Town of Sudbury specifications.

Special Town Meeting - October 17, 1994

On motion by Chairman Blacker, it was unanimously

VOTED: To accept three articles for the Warrant for the Special Town Meeting on October 17, 1994, and sign the Warrant for the Meeting.

The Board acknowledged receipt of a communication, dated August 25, 1994, from School Superintendent Henry DeRusha confirming a phone conversation regarding the Special Town Meeting and offered to take any action necessary for consideration that will be given for salary increases for several school employees.

Utility Petitions #94-14 and #94-15 - Powers Road

Present: Edmund Kelly, Boston Edison Company; Abutter Marilyn Dow, and Saul M. Bloom, 169 Powers Road.

The Board convened a continued public hearing from August 22, 1994, to consider Utility Petition #94-14 of Boston Edison Company and New England Telephone and Telegraph Company for location of two poles each with hip guy and anchor on Powers Road. Utility Petition #94-14 requires the grant of special permission for this installation in accordance with Sudbury Bylaws Art. XX, Section 3.E, as amended by Article 70 of the 1994 Annual Town Meeting.

Secretary Thompson reported that since the original hearing date of August 22, 1994, he, the developer, and the most immediate abutter (Dow) met on site and reached a compromise indicated on new and revised plans submitted tonight by Boston Edison and New England Telephone and Telegraph Company. For the record, abutter Ann Moran, 175 Powers Road, on August 30, 1994, expressed verbally her preferences as to the location of the poles, and said she preferred the service to be installed underground.

Mr. Saul Bloom asked why the lines could not be installed underground and Chairman Blacker explained that the location is very close to the Concord line which is not serviced by Boston Edison; thereby making it difficult to install underground without an added expense to the developer. Mr. Bloom expressed

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concern over the traffic in this area saying that additional poles close to the road would increase the hazards and may result in more accidents. He also mentioned that this stretch of Powers Road had been proposed for a walkway a few years ago and wondered what impact the poles might have on future plans for a walkway. Secretary Thompson responded that the two additional poles will be placed off the road, even behind trees that abut the road, and that there will still be room for a walkway.

Abutter Ms. Marilyn Dow agreed with the new plans, but for the record, would prefer that the service be installed underground at the developer's expense.

On motion by Chairman Blacker, it was unanimously

VOTED: To approve Utility Petition #94-14 of Boston Edison Company and New England Telephone and Telegraph Company for location of (2) two poles each with two hip guys and anchors on Powers Road, shown on Boston Edison Company "Plan of Powers Rd - Sudbury, Showing proposed pole location and anchor guys", dated September 9, 1994, upon the following public way of the Town:

Powers Road - southeasterly side northeasterly from a point  
approximately 92 feet northeast of Barnet Road  
Two (2) Poles  
Two (2) Guy wire and anchors

And it was further

VOTED: To approve Utility Petition #94-15 of Boston Edison Company and New England Telephone and Telegraph Company for location of approximately 80 feet of conduit in Powers Road, in connection with Utility Petition #94-14, and shown on Boston Edison Company "Plan of Powers Rd - Sudbury, showing proposed customer conduit location", dated September 9, 1994, and on New England Telephone and Telegraph Company "Plan for Powers Rd., No. 94-09", dated July 28, 1994, and revised September 6, 1994, under the following public way of the Town:

Powers Road - northeasterly approximately 230 feet northeast of Barnet Road  
a distance of about 80 feet - conduit

And it was further unanimously

VOTED: To grant special permission for the installation of poles under Petition 94-14, as authorized by Town of Sudbury Bylaws Article XX, Section 3.E, as amended by Article 70 of the 1994 Annual Town Meeting.

Sudbury Foundation Grant - History of Sudbury

The Board acknowledged receipt of the following communications regarding a Sudbury Foundation Grant for the preparation of a new history of Sudbury:

1. Memo from Historian Curt Garfield, dated September 6, 1994 explaining his conversation with Sudbury Foundation Director Derry Tanner, and noting his plan of action.
2. Memo from Historian Curt Garfield, dated September 6, 1994, proposing agreements regarding the publication of the new Sudbury History.

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3. A Grant Proposal to the Sudbury Foundation in the amount of \$48,000 to contract with Town Historian Curtis F. Garfield and Alison Ridley Garfield to research and create a two-volume History of Sudbury to replace A.S. Hudson's History of Sudbury 1638-1889 over a four-year period.
4. Letters of support for the grant from the Sudbury Historical Society, Sudbury Historical Commission, dated September 1, 1994, and Goodnow Library Director William R. Talentino dated September 1, 1994, and a draft letter prepared for signature by the Board of Selectmen dated September 10, 1994.

Secretary Thompson commented that this is an exciting undertaking and recommends the Board support this project and agree to be a sponsor. Mr. Thompson explained that Mr. Garfield is the Town Historian and his wife Alison is a professional writer.

Mr. Thompson further reported that Town Counsel Paul Kenny has reviewed the Grant Proposal and is not comfortable with the mechanics of the publication agreement.

On the recommendation of Secretary Thompson, it was on motion unanimously

VOTED: To support a grant request to the Sudbury Foundation for the preparation of a new history of Sudbury encompassing the period of 1638 to 1888 (covered by A. S. Hudson's *History of Sudbury 1638-1889*) and a sequel to bring the history up to the present, subject to Town Counsel's review and revision of the agreement for the publication.

Parkinson Property - Use by Wayside Farm

The Board acknowledged receipt of a communication dated August 22, 1994, from Earl Meader of Wayside Farm, requesting to use the idle Parkinson Land for grass hayfields for production of baled hay.

Selectman Clark noted concern that the Town might be liable should anyone get hurt while working the land which belongs to the Town and suggested some form of release be given by Mr. Meader.

It was on motion unanimously

VOTED: To enter into an agreement with Earl Meader of Wayside Farm to allow him to plant and harvest hay on the Parkinson Land, Hudson Road, as proposed in his communication dated August 22, 1994, subject to his signing of a waiver of liability or indemnification of any claims against the Town, should an accident occur on this property, and subject to the flagging of the site by the Conservation Commission to delineate which sections may be used by Mr. Meader.

Howell Road - Parking Ban

The Board acknowledged receipt of a communication dated September 7, 1994, from Town Engineer I. William Place responding to the Board's solicitation of solutions to the parking problems and congestion that has been occurring in the neighborhood of Howell Road due to the SPEC rehabilitation facility.

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With regard to limiting trucks over a certain size in this area, Mr. Place states that a heavy truck exclusion requires a specific permit from the Mass. Department of Public Works. In addition if Robbins and Howell Roads qualify for a truck exclusion, an engineering study would be required. With regard to blocking off a specific access drive located on Robbins Road, the Town will need to investigate what would have to be done.

With regard to the parking requirements based upon the use of the facility, Mr. Place noted the requirements of the zoning bylaw for nursing homes and day care facilities and provided calculations showing SPEC parking to be deficient by 79 spaces. Mr. Place proposed two alternatives to address the neighbors' concerns relative to access to the rear portion of this facility: 1) Use twenty feet of the private portion of Robbins Road, which would require a filing with the Conservation Commission, and 2) Access the rear of SPEC property from Horse Pond Road. This alternative would not require a filing with the Conservation Commission, but is subject to whether the existing septic system was designed for H2O loading.

In an effort to come to a solution, Chairman Blacker proposed that access for services to the site be from Horse Pond Road as proposed by Mr. Place as Alternative 2; this would also provide access to 104 parking spaces. Mr. Thompson questioned whether SPEC could be expanded any further even with the recent purchase of the abutting property - - - there are several Zoning Bylaw issues to work out regarding all property owned by SPEC.

Selectman Drobinski speculated that SPEC may be in violation of the zoning bylaw related to parking spaces. The Board agreed to request the Building Inspector to follow up on the zoning bylaw question regarding the ratio of parking spaces to beds and employees in the facility. Mr. Thompson stated he and Town Engineer I. William Place will arrange to meet with the neighbors, owners of SPEC, and other interested persons to resolve this issue before winter. The Board agreed.

Site Plan Special Permit #93-317 - T. J. Maxx - Extension

Present: Myron J. Fox, Attorney for Sudbury Crossing Associates Realty Trust, T. J. Maxx.

The Board acknowledged receipt of a communication dated August 25, 1994, from Attorney Myron J. Fox requesting extension of Site Plan Special Permit #93-317 for an additional year until August 31, 1995. Mr. Fox stated that the permit will lapse after one year if construction and a substantial use has not commenced, except for good cause. Mr. Fox stated the reasons for delay as being: 1) The Water Resource Protection Districts Special Permit and the Special Permit from the Board of Appeals were not completed until December, 1993. In addition, the market conditions in general and the rising costs of construction made this a difficult situation for T. J. Maxx.

Selectman Drobinski asked how many extensions are allowed. The answer to this question was not available. Mr. Fox mentioned that his applicant will have to make the same request of the Planning Board and the Board of Appeals.

On motion by Selectman Drobinski, it was unanimously

VOTED: To grant a year's extension to August 31, 1995, for Site Plan Special Permit granted to Sudbury Crossing Associates Realty Trust, under Application #93-317, for the addition to T. J. Maxx, 435 Boston Post Road, as requested in a communication dated August 25, 1994, from Attorney Myron J. Fox.

Continued Public Hearing - Site Plan Special Permit #94-319 - Wingate at Sudbury, 136 Boston Post Road

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Present: Willy Sclarsic, Wingate Health Care, and William H. Shaevel, Attorney representing Wingate Health Care.

The Board convened a public hearing continued from August 22, 1994, to consider the application received July 1, 1994, of Continental Healthcare VI Limited Partnership, for a Site Plan Special Permit for construction of *Wingate at Sudbury*, a brick two-story 142-bed nursing home without basement containing 66,328 sq. ft. gross floor area, and including parking areas, and septic and drainage systems, at 136 Boston Post Road, owned by Northeast/Sudbury Trust and zoned Bus. Dist. #1 and Res. Districts A-1 and C-2.

Secretary Thompson reported a copy of the draft decision for the Site Plan had been submitted to Continental Health Care VI Limited Partnership for their review. A response was received from Continental Health Care Attorney William H. Shaevel, dated September 9, 1994, suggesting certain changes to the draft decision. In an effort to expedite the site plan approval process, the Selectmen's office responded to Mr. Shaevel's suggestions by making further changes which are the result of input from several Town officials, added Mr. Thompson.

The following comments were made tonight in response to Mr. Shaevel's suggested changes and the revised draft decision dated September 12, 1994:

Condition 1 - The Board agreed to the change suggested by Attorney Shaevel to list all plans as revised July 1, 1994.

Condition 8 - No additional architectural plans will be required showing the deletion of the Tower.

Condition 9 - Selectman Drobinski pointed out that the landscape plan has to be in conformance with the bylaw. The only outstanding issue is that of the trees in the front of the building. Mr. Sclarsic stated he does not want to have to go before the Design Review Board again as they have received all landscaping plans and had no adverse comments on the landscaping. Mr. Thompson remarked that they would not have to be present again before the Design Review Board, and that the Selectmen sign the final landscape plan after a recommendation from the Design Review Board.

Condition 12 - This paragraph was deleted in the revised draft; however, Selectman Drobinski expressed that he wishes to include or reinstate the provision for a monitoring well described and numbered previously as:

12. (c) The installation of a monitor well on the site, including the Town's right of access for periodic testing and monitoring thereof, the location to be determined by the Director of the Board of Health.

Condition 13 - This paragraph relates to "as built" plans and is numbered as Condition 12 on the revised draft decision. This paragraph requires that any change in the physical condition of the site requires prior approval of the Board. Since minor deviations invariably occur during construction, Mr. Shaevel has requested that this provision be modified to require only any "inconsistent" change. He explained that the use of this word empowers the Building Inspector to make certain decisions and eliminates the need to send all changes back to the Board for their approval. Selectman Drobinski stated he agrees with the concept, but believes Town Counsel should be consulted before agreeing to this terminology.



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Mr. Sclarsic stated he is not concerned about people in Town questioning any changes, but he has to answer to HUD. Mr. Thompson stated that he cannot remember any applicant coming back to the Board for approval of a revised site plan after signing the original, unless the changes were major.

Selectman Clark suggested the word "material" change rather than "inconsistent".

Condition 14 - This paragraph concerns the implementation of several items and is marked as Condition 13 on the revised draft.

(a) Changed to bollards and chains to deter traffic from the fire lane and left unlocked at all times. (Board agreed)

(d) With regard to the extension of the walkway to Goodman's Hill Road, the applicant expressed that this is an offsite condition and should not be required. Mr. Sclarsic stated he is concerned about the time that it may take to obtain the various permits and then to engineer the project because of certain conditions.

Selectman Drobinski stated he would agree to not make the walkway a condition of approval of the site plan, but will make it a suggestion because the Wingate property and facility will have an impact on the abutting properties. Mr. Thompson offered that the Town will obtain the necessary permits if Mr. Sclarsic would be willing to construct the walkway. Mr. Sclarsic responded in the affirmative, but it was noted that this is not a condition of the site plan--more a "Gentlemen's Agreement".

(h) With regard to widening of route 20 in front of the site to allow for a turning lane, the applicant argued that this land is not within its control, rather under State jurisdiction. After some discussion, it was agreed to not make this a condition of approval, but add the words "if required" by Mass. Highway Department, the applicant shall widen Route 20 on the south side. Selectman Drobinski stated he will be lobbying the State on behalf of the Town to require it.

(i) With regard to the trees being required along Route 20, Mr. Sclarsic explained how a row of trees might detract from the columns and the appearance of the front of the building. It was agreed to change the wording as follows:

The Board of Selectmen approves Elevation "A" incorporating three (3) trees of street tree species with a future maturity of major scale framing the building.

In addition, Selectman Drobinski asked that the applicant be aware that the abutting neighbors along the western side that is treed and not fenced, may at some time in the future decide that they want additional screening, for which the applicant should comply.

It was on motion unanimously

VOTED: To approve Site Plan Special Permit #SP94-319 of Continental Healthcare VI Limited Partnership, for construction of *Wingate at Sudbury*, a brick two-story 142-bed nursing home without basement containing 66,328 sq. ft. gross floor area, and including parking areas, and septic and drainage systems, at 136 Boston Post Road, owned by Northeast/Sudbury Trust and zoned Business Dist. #1 and Residential Districts A-1 and C-2, and to direct Town Counsel Paul L. Kenny to incorporate further changes discussed tonight to the revised draft decision for the Board's signature.

Permanent Fulltime Police Officers - Appointments

Present: Candidates Mitchel G. Caspe and Richard A. MacLean.

The Board acknowledged receipt of a Department of Personnel Administration Roster List, dated August 24, 1994 and a communication dated September 7, 1994, from Police Chief Peter B. Lembo requesting the above named officers be removed from the Reserve Status and appointed to fulltime positions.

As requested by the Board, the candidates briefly talked about themselves and their background.

On motion by Chairman Blacker, it was unanimously

VOTED: To appoint Richard A. MacLean and Mitchel G. Caspe Permanent Fulltime Police Officers in the Sudbury Police Department, effective September 12, 1994, from Dept. of Personnel Administration Requisition List #94-0869 dated August 24, 1994; and to authorize the Executive Secretary to sign and file all documents with the Dept. of Personnel Administration related thereto.

Sunday Entertainment License - Bullfinch's Restaurant, 730 Boston Post Road

Present: Abutters Esther and John Brockman, 12 Revolutionary Road; Geraldine C. Nogelo, 19 Washington Drive, and two other abutters.

Secretary Thompson reported that Police Chief Peter B. Lembo verbally expressed on September 7, 1994, no objections as long as the rear neighbors have no objections, and a verbal approval by Building Inspector, John B. Hepting was received on August 31, 1994 providing no fire exits are blocked in any way.

Secretary Thompson reported that a communication dated September 5, 1994 was received from abutters Esther and John Brockman stating that they have no objection to the Sunday Entertainment License renewal providing that the music is indoors with the doors closed. In addition, a telephone call was received on September 2, 1994 from Mr. Ted McDonald to verify that Bullfinch's application for entertainment license would not include use of the tent area.

With regard to zoning questions concerning the legality of Bullfinch's Restaurant having exterior dining, which was discussed previously, Mr. Hepting pointed out the applicable Zoning Bylaw in his communication dated September 2, 1994, which states that open-air dining areas where patrons are seated at tables are excluded from the provision that all business and service be conducted wholly within a completely enclosed building. Another concern with regard to sufficient parking spaces was addressed by Mr. Hepting in a communication dated September 9, 1994 stating that erecting of the tent at Bullfinch's Restaurant did not displace any parking spaces.

Chairman Blacker added that someone questioned if the liquor license allows serving patrons in the tent that has been erected. It was noted that this would have to be checked into, knowing that liquor licensing is very specific with regard to the described premises.

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Ms. Geraldin Nogelo opined that the tent does not constitute an open-air situation, but rather she thinks it is an extension of the existing restaurant and asked how this could be allowed. Chairman Blacker remarked that he did not know if this question has ever been addressed--whether the structure being used is not simply open-air dining and therefore not approved by the site plan. Mr. Blacker responded that the Board will gladly address this question and ask Mr. Hepting if the tent constitutes an extension of the existing structure rather than accommodating open-air dining, and if the former were true, would it require a site plan.

Ms. Nogelo asked about the precedent setting in Sudbury, and expressed concern that the tent could set a precedent for other establishments in Town. She also expressed that the tent is a visual nuisance. Mention was made of the attempt of Star Market to erect a tent to sell flowers. They were told they could not erect the tent for reasons that were not remembered by anyone tonight, only that it may have been considered a structure and not allowed in the Bylaw. It was decided that the Bylaw concerning permanent structures would have to be reviewed and interpreted by Town Counsel and the Building Inspector.

Ms. Nogelo also questioned the possibility that Bullfinch's might be exceeding its septic system capacity with the additional patrons. It was noted that the ratio for patrons and the size of the septic system has to remain the same for both inside and outside and is monitored by the Board of Health.

Selectman Clark noted that an opinion is needed regarding open-air seating versus tent seating and clarified that the real question is if the owner of Bullfinch's Restaurant has extended the existing structure.

Mr. Edward Sokoloff, 3 Washington Drive, remarked that he believes the existence of the tent is an illegal operation under the liquor license, and does not think the Board should approve anything tonight. He thinks the extension of the entertainment until 10:00 p.m. is too late, particularly because of the location of the restaurant being adjacent to residential. Mr. Sokoloff suggested a time of 6:00 p.m.

Chairman Blacker stated he concurs with the concerns expressed and would like to learn more about the issues. Selectman Drobinski commented he believes two issues exist which need to be examined further: 1) the issue of the tent and whether it can be defined as open-air dining or as an extension of the existing structure, and 2) the issue of being allowed to serve alcoholic beverages to patrons outside in the tent.

On the recommendation of Secretary Thompson, it was on motion unanimously

VOTED: To table consideration of an application for Sunday Entertainment License for the period of September 25, 1994 through September 17, 1995, of Margaret Richardson, for Bullfinch's Restaurant, 730 Boston Post Road, to allow time to obtain answers to the concerns expressed this evening.

Mr. Thompson stated he would tentatively re-schedule consideration of this application for the Board of Selectmen meeting on September 26, 1994 at 7:30 p.m. Answers may be available sooner; in which case Mr. Thompson asked that inquiries be made by telephoning the Board's office.

Election Officers - Appointments

On the recommendation of the Democratic Town Committee, and the Town Clerk, in communications dated August 24, 1994, and September 9, 1994, it was on motion unanimously

VOTED: To appoint Dorothy Burke, 18 Flintlock Lane, as Inspector/Precinct Three; and Suzanne Greenberg, 243 Morse Road, as Democratic Emergency Inspector for the 1994-1995 election year.

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And it was further unanimously

VOTED: To appoint Rebecca Fairbank, 136 Old Sudbury Road, Thomas A. Weston, 370 Old Lancaster Road, Dorothy Manley, 33 Clark Road, and Margaret Tristan, 12 King Philip Road as Republican Election Officers for the 1994-1995 election year, as recommended by the Republican Town Committee, and the Town Clerk in a communication dated August 29, 1994.

Draft Transportation Improvement Program

The Board was in receipt of a draft communication dated August 26, 1994, prepared by Executive Secretary Thompson to David Soule, Executive Director of the Metropolitan Area Planning Council, concerning the Sudbury "Boston Post Road (I)" listing. Selectman Clark expressed that she did not concur with the request that this listing remain in the TIP final document in some amount. Selectman Clark stated that the current funding for Sudbury listed in the TIP Program consists of funds for a Route 20 bypass which the Board does not support. She continued that she cannot support the funding because the funding is the project.

Chairman Blacker commented that Mr. Thompson's letter only requests funds to remain in the TIP Program for other improvements. Ms. Clark opined that the amount of \$3,870,000 minus a Bypass is still in excess of what is needed for improvements, and she mentioned other projects that have been done in other towns and what their costs were.

Selectman Clark proposed a substitute letter that she had composed, requesting removal of the Route 20 Bypass from the Sudbury project entitled "Boston Post Road (I), Sudbury, \$3,870,000", and requesting appropriate funds for other improvements to the Boston Post Road to be determined by the Board.

Chairman Blacker remarked that MAPC might get the impression that Sudbury does not know what amount is needed for improvements, and asked how Sudbury can remain in the TIP Program without stating an amount.

Selectman Clark stated she thinks it is time the Town removes the Route 20 Bypass from the Program in order to protect the wells. Ms. Clark informed that, in the past, other projects that the Town requested to be in the TIP Program were removed, and the Route 20 Bypass and Peakham Road were the only ones left in the program.

Selectman Drobinski remarked that he personally feels he cannot jeopardize the Town's chances to receive money to upgrade Route 20, and said an appropriate amount of money should be stated. Mr. Thompson stated he believes the Town should concentrate its efforts for improvement in three areas: drainage, signalization and walkways. He added that some amount should go on the record so the State knows the Town does not want the bypass but needs to perform other projects. Selectman Drobinski suggested \$1,200,000.

It was on motion unanimously

VOTED: To approve the draft letter by Selectman Clark and send it to Mr. David Soule, Executive Director of the MAPC, changing the last sentence in the indented paragraph to read; "the Board requests an appropriate amount of approximately \$1,200,000 for other improvements to the Boston Post Road, to be determined by the Board."

And it was further, on motion by Selectman Clark unanimously

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VOTED: To ratify and confirm the removal of the Route 20 Bypass from the Sudbury project entitled "Boston Post Road (I), Sudbury on page 6-26 of the TIP Circulation Draft dated July 7, 1994, the \$3,870,000 being a part of the Bypass project, and to request an appropriate amount of approximately \$1,200,000 under the TIP for other improvements to the Boston Post Road, to be determined by the Board of Selectmen.

Utility Petition Emergency Approval - Goodman's Hill Road

It was on motion unanimously

VOTED: To grant emergency approval to Boston Edison Company and New England Telephone and Telegraph Company, subject to formal petition and public hearing, for the removal of existing Poles 24/15, 24/1 and 24/2 and installing one new pole on Goodman's Hill Road - westerly side approximately 155 feet south of Concord Road, necessary for installation of a new intersection in that area.

Nixon School Concerns

The Board acknowledged receipt of a communication dated August 15, 1994, from the Permanent Building Committee to the Nixon School Neighborhood Association.

Long Range Planning Committee - FY96 Capital Requests and Six Year Capital Plans

The Board acknowledged receipt of a report, dated August 22, 1994, from the Long Range Planning Committee regarding the FY 1996 Capital Requests and Six Year Capital Plans.

Town Treasurer and Collector Communication

Selectman Clark questioned the statement made by Town Treasurer and Collector Mary Ellen Normen Dunn, in a communication dated August 22, 1994, in which Ms. Dunn states that the amount used to balance cash between the Treasurer's office and the Town Accountant has no basis in fact. Ms. Clark requested clarification.

Dudley Road - "No Left Turn Issues"

Selectman Clark informed that there has been some confusion with regard to the signs posted on Nobscot Road at Dudley Road that prohibit a no left turn for residents only. She said the Policemen are having a difficult time determining who to stop. The "residents only" sign may be interpreted to include all of Sudbury, or just Dudley Road residents. She suggested that a better solution might be to have a sign that says "No Thru Traffic".

Mr. Thompson remarked that there has been concern about the Police Department's interpretation on enforcement of the sign and that Town Counsel Paul Kenny is reviewing the situation and will issue an opinion on the same.

Personnel Board - Non-Union Salaries

Mr. Thompson informed he met with the Personnel Board last week and learned that more guidance is needed with regard to the setting of non-union salaries. He recommended to Budget and Personnel Officer Terri Ackerman that an analysis of the different positions be done and comparisons made with similar positions in other towns. Secretary Thompson said he will keep the Board informed.

Dunkin Donuts - Signage

The site plan architectural rendering for Dunkin Donuts has been signed subject to approval of the Board of Appeals of the second exterior sign shown on the building.

Hop Brook Meeting with Marlborough Mayor

Secretary Thompson informed that Health Director Robert Leupold, Hop Brook Committee Chairman Stephen Meyer, Selectman Drobinski, and himself are meeting with the Mayor of Marlborough on Thursday, September 15, 1994, at 10:00 a.m. to further discuss phosphorus loading into Hop Brook, and what measures are being taken to diminish this.

I.B.P.O. Local 315 - Police Contract Ratification

It was on motion unanimously

VOTED: To ratify the negotiated changes, outlined in the Memo of Understanding dated May 6, 1994, [but deleting Item 9, (method of pay), as requested by Police Local 315], in the collective bargaining agreement between I.B.P.O. Local 315 and the Town for the contract period of July 1, 1994 through June 30, 1997.

There being no further business, the meeting was adjourned at 10:15 p.m.

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