

IN BOARD OF SELECTMEN
TUESDAY, APRIL 9, 1996

Present: Selectmen Maryann K. Clark and Lawrence L. Blacker.

The statutory requirements as to notice having been met, the meeting was convened at 7:00 p.m. in the library of the Lincoln-Sudbury Regional High School by Vice Chairman Maryann K. Clark.

Application for Transfer of Restaurant License

Present: Mark H. Hanna, Applicant; Douglas King, Chef; Myron J. Fox, Attorney for Applicant.

Vice Chairman Maryann K. Clark convened a public hearing on the application of Mark H. Hanna for transfer of the Restaurant License for the Sale of All Alcoholic Beverages, under General Chapter 138, section 12, from Matt Garrett's of Sudbury, Inc., Robert H. Doe, Jr., Manager, to Mark Hanna's Post Road Grille, Inc., Mark H. Hanna, Manager, d/b/a Mark Hanna's Post Road Grille, Inc., for property located at 120 Boston Post Road; and a Common Victualler License and Weekday Entertainment License for said premises.

Documentation, as follows, is on file in conjunction with this application: Applications for Common Victualler's License and Entertainment License, licensee personal information, Tax Attestations of transferee and licensee, acknowledgment of receipt of information, Form 983, application for transfer of alcoholic beverage license, vote of Board of Directors of transferee authorizing signing and filing, Articles of Incorporation, vote of sole incorporate of transferee, vote of licensee authorizing transfer to transferee, preliminary pages of lease, plan of site, floor plan, kitchen plan, birth certificate of Mark Hanna, letter from insurer confirming placement of Worker's Compensation insurance, bank commitment, and fees.

Notice of this hearing was published on March 28, 1996, in the Sudbury Town Crier, and while unrequired, notice was mailed to all abutters. Reports received from Town departments, are summarized as follows: 1) from the Board of Health dated April 3, 1996, advising the seating capacity will remain unchanged, the required Title 5 septic system inspection has been submitted, and approval is recommended subject to Board of Health inspection following interior renovations; 2) from the Building Inspector dated March 28, 1996, approving the application subject to repair of four emergency lights and an exit door; 3) from the Fire Chief dated March 28, 1996, indicating no objection to the transfer; and 4) from the Police Chief dated April 1, 1996, also stating no objection.

Myron J. Fox, Attorney for the applicant, explained that this transfer is being effected with no changes other than decor and menu. The entertainment requested is identical to that under the previous operation. Mr. Fox informed the Board that arrangements had been made for septic system improvements and following completion of same it was expected the new business to open approximately mid-May.

It was on motion by Selectman Blacker, unanimously

VOTED: To approve the transfer of the Restaurant License for the Sale of All Alcoholic Beverages from Matt Garrett's of Sudbury, Inc., Robert H. Doe, Jr., Manager, to Mark Hanna's Post Road Grille, Inc., Mark H. Hanna, Manager, d/b/a Mark Hanna's Post Road Grille, Inc., for property located at 120 Boston Post Road, and a Common Victualler License and Weekday Entertainment License for TV and taped background music, Monday - Thursday 11 a.m. - Midnight, Friday & Saturday 11 a.m. - 1 a.m. (Sunday) and Sunday Noon - Midnight; juke box, Monday - Thursday 11 a.m. - Midnight, Friday & Saturday 11 a.m. - 1 a.m.; live performers (up to 4), Wednesday 8:30 p.m. - Midnight, Thursday & Saturday 11 a.m. - Midnight, Friday 11 a.m. - 1 a.m. (Saturday); and dancing to taped music, Monday - Saturday, 11 a.m. - Midnight, Sunday Noon - Midnight, for said premises subject to approval by the Alcoholic Beverages Control Commission; said licenses to expire December 31, 1996, and to be issued following satisfactory inspections by the Health Director, Building Inspector and Fire Chief, and furnishing of d/b/a filing and certificate of Workers Compensation insurance.

Preliminary Meeting - WKOX Towers Site Plan, Rt. 117

Present: Stephen E. Grande, III, Esq., Chief Engineer Kevin Bowland, Chief Operating Officer James Hilliard, and Robert Christy, WKLB 105.7; Tom Houston, CID Associates; Robert Lund, Broadcast Consultants; Hugh Caspe, Health Director Robert Leupold, and Town Engineer I. William Place.

At the request of representatives of WKOX (Fairbanks Communications), a preliminary meeting was held to discuss a Site Plan Special Permit application filed March 29, 1996, for placement of three 199' radio towers on Town of Sudbury property off Rt. 117 on the former Sperry property.

Attorney for the applicant, Stephen E. Grande displayed the plans and renderings for the application, as well as photographs of similar installations. He said that the towers were no more than twelve inches wide on their face. He explained the difficulties in siting the towers, which ultimately led to the selection of this site behind the former Frost Farm, now being rented out by the Town to Mr. Carroll. Other sites reviewed and eliminated were two gravel pit areas - each would involve delay to remove the gravel and would be unworkable because the towers would be in a depression. (It was later explained that, whereas the CullularOne tower works off of the top of the tower, a radio tower works off the entire tower and would not be effective in a lower area.) Mr. Grande also noted they had tried to stay away from the conservation buffer zones. Items still to be resolved are securing easements, possibly moving electrical manhole, and possibly removing the garage on the Town rental property (Frost Farm).

Selectman Clark questioned why location nearer to Framingham was not preferred. It was answered that for the long term a "metro" facility was required and this installation would create this coverage.

Selectman Clark also expressed her concern that areas of Framingham experienced interference from WKOX towers and would not the towers create the same problems for Sudbury. Chief Operating Officer James Hilliard assured that they would not do anything to create any problems for the neighbors of the tower facility, and Kevin Bowland, Engineer, explained that filters would be added into the telephone lines around the towers.

Attorney Grande made note that the lease agreement for the property in question would bring revenue to the Town, as well as other advantages of placing fire and police communications on the towers with access to an emergency generator.

Hugh Caspe addressed the Board to express his personal concerns with the visible aspects of the high towers and guy wires, particularly in relation to his residence on Philemon Whale Lane and stated his opposition to the proposal. He inquired whether the towers could be placed back a quarter of a mile on Water District property, and was informed that the area was too low and unlike cell towers radio towers will not operate in the 'bowl' environment of a gravel pit.

Selectman Clark asked what the difference in power was between the tower in Hudson and WKOX's proposed towers. The response to her question was that the Hudson tower was much higher, over 500 feet, and produced 5 million KW whereas the proposed towers produce 50,000 KW.

There was also discussion regarding what the Town could expect for the lease and when asked what amount of revenue the Town could expect to receive from this project, an estimated figure of \$15,000 per year, was given. On comments by Selectman Clark that \$100,000 per year would be more appropriate, based on prior siting problems elsewhere, Mr. Hilliard commented that it might be feasible.

When asked whether the number of towers could be reduced, WKOX representatives replied that three towers were needed here.

There being no further comment, Town Manager Steven L. Ledoux informed that the office would schedule a public hearing on May 20 for this site plan special permit application.

Complaint - E. Sooper

Mr. Edward T. Sooper appeared before the Board and requested that Janet Silva, Administrative Assistant to the Board of Selectmen, be dismissed immediately for her action in sending anonymous letters to himself and a few others relative to not attending an upcoming privately sponsored retirement party.

The Board adjourned to the High School Auditorium to attend and participate in Town Meeting until its close.

Attest: _____
Steven L. Ledoux
Town Manager - Clerk