

ok

IN BOARD OF SELECTMEN
MONDAY, MARCH 12, 1990

Present: Chairman John C. Drobinski, Judith A. Cope and David A. Wallace.

The statutory limits as to time and place having been fulfilled, the meeting was called to order by Chairman Drobinski at 7:30 p.m. at lower Town Hall.

Special Election - Format for Ballot Questions

Present: Town Moderator Thomas Dignan; Finance Committee Chairman Richard Pettingell; resident Hale Lamont-Havers.

The Board considered the question of approving format for ballot questions for the May 14, 1990 Special Election.

Executive Secretary Thompson informed that the Department of Revenue has given its recommendation as to a form; however, the Chairman of the Finance Committee is recommending a different form. In fairness to the Finance Committee, Mr. Thompson recommended, and the Board concurred that the Selectmen will not vote the actual form or amounts this evening.

Selectman Wallace indicated that he believes, after careful review, that the form of ballot question should be a pyramid; and that voting the actual questions would be premature until Town Meeting.

Selectman Cope concurred that the pyramid approach is acceptable to her. However, Mrs. Cope expressed concerns about the proposed structure of it. Chairman Drobinski joined in those concerns and opined that no one can know what will happen at Town Meeting.

Chairman Drobinski inquired of Town Moderator Thomas Dignan if he wished to speak concerning this matter. Although Mr. Dignan did not proffer an opinion as to the form the ballot questions should take, he did wish to inform that since he, as Moderator, cannot keep off the floor anything within the "four corners" of the Warrant, there exists the possibility that someone could bring forward motions which would at least assume at the end of Town Meeting that there will be a pyramid; and therefore, he would have to allow debate of that on the floor. Mr. Dignan concluded by stating that the actual ramifications of a vote different from what the Selectmen have voted is left to Town Counsel.

Finance Committee Chairman Richard Pettingell assured that the Finance Committee's draft override question format would be forwarded to the Executive Secretary as soon as possible. Mr. Thompson advised that when this is received, he will submit same to the Department of Revenue for its approval, thus allowing the Selectmen a choice of options. With regard to the amounts, Mr. Thompson advised that it would not be necessary to vote any specific amounts until Town Meeting has completed voting on the Budget article.

In response to inquiry by resident Hale Lamont-Havers, Mr. Pettingell informed that the pyramid published recently in the Town Crier was the Finance Committee's proposal only, and that Town Meeting is the ultimate decision-maker on the amounts.

It was on motion unanimously

VOTED: To support the concept of a pyramid ballot question for the May 14, 1990 Special Election; and to request the Executive Secretary to proceed with preparing and submitting whatever options the Selectmen may choose from in approving the form of ballot.

Town Moderator Dignan stated that if Town Meeting indicates that it is prepared to pass a line amount equal to the highest override budget proposed, then Mr. Dignan foresees no problem. However, if Town Meeting indicates a lesser amount, then somebody may wish to argue that a certain item be moved from the highest level to a lower one so that it would be included. Mr. Dignan perceives this as being a potential for extremely lengthy debates. For this reason, Mr. Dignan proposes to permit only one debate on each tier, and not allow rebuttals.

The Town Moderator also pointed out that, based on the past history of Sudbury's Town Meetings, it appears that Town Meeting will go forward Monday, Tuesday and Wednesday of the first week (April 2, 3 and 4); Tuesday and Wednesday the week of April 9 because of Passover; adjourn the week of April 16 due to school vacation week; and then reconvene, if necessary, Monday, April 23, and continue until completion.

Loring School - Lease With Congregation B'nai Torah

The Board reviewed draft lease between the Town and Congregation B'nai Torah for the Loring School, together with Memorandum dated March 9, 1990, from Assistant Town Counsel David J. Doneski.

Executive Secretary Thompson informed that the draft lease, with proposed changes from Attorney Doneski, represent the many discussions with representatives of Congregation B'nai Torah and Assistant Town Counsel. Mr. Thompson recommends the Town execute a ten-year lease with the Congregation.

Mr. Thompson recommended that Section 12 on page 3 of the lease be struck, since playgrounds are now centralized; thus obviating the need for public access considerations. Mr. Thompson also pointed out that Section 7 on page 2 of the lease allows the Town to terminate the lease if the Town determines that major repairs to the building would be unreasonable.

In conclusion, Mr. Thompson reminded the Board that the Congregation has been a tenant-at-will since July 1989. If this lease can be executed promptly, the Congregation has indicated its willingness to share in the cost of the current repairwork to the heating system of the building.

It was on motion unanimously

VOTED: To approve a lease agreement with Congregation B'nai Torah for lease of the Loring School on Woodside Road, for a period of ten years; and to request Town Counsel to prepare said lease pursuant to the recommendations of the Executive Secretary and Assistant Town Counsel for signing at the earliest possible time.

Sierras, Inc.

The Board acknowledged receipt of a letter dated March 1, 1990, from Attorney Robert E. Dyson on behalf of Sierras, Inc. withdrawing request for approval of stock transfer which was acted upon by the Board on February 5, 1990.

Upon recommendation of the Executive Secretary, it was on motion of Selectman Cope unanimously

VOTED: To rescind vote of February 5, 1990, approving transfer of 40 shares of the stock of Sierras, Inc., d/b/a Sierras, 470 North Road, from sole owner John A. Ouellette, President, to Samuel J. Cannarozzi, Treasurer/Manager.

And it was further

VOTED: To confirm vote of February 5, 1990, approving pledge of stock as collateral, based upon documents currently on file now being appropriate and complete.

Ti-Sales, Inc. - Amendments to Site Plan 89-310

Present: Town Engineer I. William Place; Fire Chief Michael Dunne.

The Board acknowledged receipt of a letter from Ti-Sales, Inc., dated March 2, 1990, wherein Ti-Sales President Peter Tighe informed of its intention to amend Site Plan 89-310 by eliminating the new paving on the proposed truck turnaround and therefore deleting the leaching/drainage structure and gas and oil trap shown on its proposal.

Town Engineer I. William Place recommends approval of the proposed amendments since they were, in fact, his suggestions. Mr. Place pointed out that Ti-Sales is "under the gun" to start work on this Site Plan, and he further commented that with these changes the amount of impervious area is not increased.

In response to inquiry, Fire Chief Michael Dunne stated that he has no problem with the proposed changes.

Executive Secretary Thompson informed that upon receipt of the As-Built plan from Ti-Sales, a public hearing will be held, at which time approval by the Board of Selectmen will be required.

Sudbury Earth Week

It was on motion unanimously

VOTED: To proclaim April 21 to April 29, 1990, as Sudbury Earth Week, and to designate the weekend of April 28, 1990 for Spring Cleanup.

Blue Cross and Blue Shield - "Health Thy Self Pride Bike Ride"

The Board considered request of David Pulford of DMSE, Inc., on behalf of Blue Cross and Blue Shield of Massachusetts, to conduct a Bike Ride which will follow Route 20 in Sudbury.

Executive Secretary Thompson informed that the Police Chief has stated that he has no control of this event along the State road, but it is his understanding that the riders will have police escort.

It was on motion unanimously

VOTED: To grant permission to Blue Cross and Blue Shield of Massachusetts to conduct a "Health Thy Self Pride Bike Ride" on Sunday, May 20, 1990, along Route 20, in Sudbury.

Annual Town Meeting - Acceptance of Street Layouts

Present: Town Engineer I. William Place; private developer Walter R. Beckett.

At 8:00 p.m., Chairman Drobinski convened a Public Hearing for the purpose of receiving public comment and to vote on the question of layout of certain Town ways, which are proposed for acceptance as public ways at the 1990 Annual Town Meeting under Article 13.

Executive Secretary Thompson noted that all appropriate abutters had been properly notified, and the Board acknowledged receipt of the following:

1. letter dated March 6, 1990, from Town Planner Lee Newman, advising that the Planning Board has voted to recommend acceptance of Suffolk Road, Belcher Drive, Candlewood Circle, Walker Farm Road and Old Meadow Road; Run Brook Circle, Webster Circle and Phillips Road, subject to issuance of Certificate of Compliance under the Wetlands Protection Act and recording of Drainage Easement by April 2, 1990; Mary Catherine Lane, subject to issuance of Certificate of Compliance under the Wetlands Protection Act by April 2, 1990; and White Oak Lane and Laurel Circle, subject to completion of roadway improvements along Moore Road in accordance with a certain Plan, said improvements to be completed by April 2, 1990. Said communication further informs that the Planning Board could not recommend the acceptance of Kato Drive and Kato Summit as none of the lots within the subdivision have been developed.

2. letter dated January 19, 1990 from Town Engineer I. William Place, recommending acceptance of Suffolk Road, Belcher Drive (Portion), Mary Catherine Lane (Portion), White Oak Lane, Laurel Circle, Candlewood circle, Walker Farm Road and Old Meadow Road (Portion); that Run Brook Circle, Webster Circle and Phillips Road (Portion) be accepted, subject to receipt of a certificate of compliance prior to Town Meeting; and suggesting Town Counsel review the situation with regard to Kato Drive and Kato Summit. Mr. Place further advised that the Highway Surveyor is in agreement with this letter.

3. Letter dated March 9, 1990, from John E. Taft of 11 Pipsisewa Circle, assuring that with regard to White Oak Lane and Laurel Circle, Condition 9 of the subdivision approval recorded at Book 19185 Page 317 will be complied with as soon as practicable; and reminding that this matter is covered by a performance bond of which \$32,335 is earmarked for improving Moore Road.

In addition to the above, Mr. Thompson advised the Board that with regard to Phillips Road, there is an outstanding drainage easement issue involving about fifteen landowners.

There followed a discussion regarding the Planning Board's desire to have all work relative to White Oak Lane and Laurel Circle completed prior to Town Meeting. There was a concurrence that, although this is a sensible position, it may not be physically possible given the weather conditions. Mr. Thompson emphasized that the bond in the amount of \$32,335 is more than sufficient to cover this matter; and that the recordation of acceptance of these ways can be held until after completion of the work. Mr. Thompson pointed out that much of the problem with these ways was not Mr. Taft's doing, but rather was the result of mix-ups with the utility companies.

The Board next discussed the situation with regard to Kato Drive and Kato Summit; i.e., no houses are yet constructed within the subdivision. Town Engineer I. William Place reminded the Board that the developer has fulfilled his obligation with respect to construction, as-built plan and surveyors certification; and that there was an acceptance in the past of Petersen Circle, which had a similar situation. Selectman Cope expressed her concern about the Town's liability in accepting these ways before construction commenced in the subdivision; and it was agreed by the Board that acceptance of these ways should be subject to comment by Town Counsel with regard to this issue.

It was on motion unanimously

VOTED: To lay out the following as Town ways, which are proposed for acceptance as public ways at the 1990 Annual Town Meeting under Article 13:

Suffolk Road;

Belcher Drive (Portion);

Run Brook Circle, subject to issuance of Certificate of Compliance under the Wetlands Protection Act by the Conservation Commission, drainage and utilities easements;

Webster Circle, subject to issuance of Certificate of Compliance under the Wetlands Protection Act by the Conservation Commission, drainage and utilities easements;

Phillips Road (Portion), subject to issuance of Certificate of Compliance under the Wetlands Protection Act by the Conservation Commission, drainage and utilities easements;

Mary Catherine Lane (Portion);

White Oak Lane;

Laurel Circle;

Kato Drive, subject to comment of Town Counsel;

Kato Summit, subject to comment of Town Counsel;

[at 9:00 p.m. Town Counsel Paul Kenny joined the meeting in progress and was apprised of the concerns raised by the Selectmen with regard to Kato Drive and Kato Summit. Attorney Kenny stated that he does not believe the Town would

bear any more liability by accepting the streets without there being any homes constructed then there would ordinarily be]

Candlewood Circle;

Walker Farm Road;

Old Meadow Road (Portion).

Site Plan Application No. 88-309(Revised)

Present: Bruce Ey, Schofield Brothers; Building Inspector Joseph E. Scammon;
Applicant Paul J. Mauro.

At 8:20 p.m., Chairman Drobinski convened a Public Hearing to consider Site Plan Application No. 88-309 (Revised) of Paul J. Mauro for a Special Permit under Zoning Bylaw IX.V.A, involving removal and replacement of barn, installation of new underground sewage disposal system, construction of parking area, landscaping walks and lighting in connection with use of property as a business office, for 61 King Philip Road, BD#3 and Res. Dist. A-1. It was noted that this hearing is a continuation of hearing held January 9, 1989. The Board was in receipt of a site plan with a revision date of December 15, 1989, and plans for the barn dated May 8, 1989.

Executive Secretary Thompson noted that notice of this hearing was duly posted, all appropriate abutters had been properly notified; and the Board acknowledged receipt of the following:

1. letter dated March 5, 1990, from Health Director Robert C. Leupold, recommending that the revised site plan approval require the septic system installation by December 1, 1990, or immediately if the existing system shows signs of failure;
2. letter dated March 6, 1990, from Building Inspector Joseph E. Scammon, recommending approval of the subject site plan;
3. letter dated March 6, 1990, from Conservation Coordinator Deborah Montemerlo, advising that the Conservation Commission has reviewed the site plan and has determined that there are no Wetland issues;
4. letter dated March 4, 1990, from Jim McKinley, Chairman of the Traffic Management Committee, recommending that the Selectmen disapprove the site plan because of encroachment upon the residential zone in which it partially lies, the belief that the parking plan will be inadequate based upon present usage, and the belief that variances granted by the Board of Appeals were not warranted;
5. letter dated February 28, 1990, from Fire Chief Michael Dunne, informing that the concern of the Fire Department is adequate off-street parking and full access to the building; and commenting as follows:
 - A. The applicant by way of Board of Appeals case #89-50 dated 10-27-89 requests parking for nine vehicles on site, five in the barn and four in open space. This appears adequate for stated use. Therefore, the Fire

Department would request as a condition of approval that no parking be allowed on King Philip Road in conjunction with this business and that under Bylaw Article V, Section 22, the Fire Chief will designate the southerly side of King Philip Road from Boston Post Road to Massasoit Avenue as a Fire Lane. If Fire Lane signs are needed the cost should be borne by the applicant;

B. The building has access for firefighting purposes from two sides, King Philip Road and Boston Post Road, therefore, onsite Fire Lanes will not be required provided the parking is addressed adequately.

6. letter dated February 22, 1990, from Town Engineer I. William Place, commenting as follows:

A. The site plan notes the barn is to be razed and reconstructed to provide for five cars maximum; sheet A-1 Floor Plan of Mauro Barn shows comfortable parking for four cars. The site plan also proposes four parking spaces outside, two parallel and two piggy back, for a total of eight parking spaces. On numerous occasions this office has personally witnessed in excess of nine vehicles parked at this location. Three to four cars have been seen parked along King Philip Road. King Philip Road is a public road as shown on the 1830 Town Map, the pavement width ranges from 14' to 17' wide. My major concern is if a tenant has more than eight or nine vehicles parked at this location at one time, it would create problems for access of King Philip Road by emergency vehicles, through traffic and local residents;

B. It is unclear what type of surface material is to be used for the proposed parking spaces; the applicant's engineer has not provided mitigating measures to control the increased rate of storm water runoff;

C. Method of waste disposal has not been shown;

D. Lighting has not been shown.

7. letter dated March 1, 1990, from Design Review Board Chairman Joyce Wells Fantasia, advising that the DRB voted to recommend approval of the landscape plan for subject site plan;

8. letter dated March 8, 1990, from Town Planner Lee Newman, advising that the Planning Board continues to be opposed to the use of residential property for commercial purposes, and further noting that since all necessary approvals have been obtained from the Board of Appeals, the following comments are offered:

A. The site plan should be conditioned so as not to allow the construction of any loft space within the barn. The use within the barn should be restricted to that of parking only.

B. The proposed lighting scheme should be added to the plan.

Bruce Ey of Schofield Brothers, Inc., representing applicant Paul J. Mauro, distributed photographs of the subject house and property as it presently stands. Mr. Ey next displayed the proposed revised site plan.

Mr. Ey opened his presentation by summarizing the history of the application for a special permit as follows: On November 14, 1988, the original Site Plan was filed. On January 3, 1989, there was a Planning Board Public Hearing. On January 9, 1989, applicant appeared before the Board of Selectmen. On July 21, 1989, applicant filed a revised Site Plan. On August 14, 1989, applicant met with Historic Districts Commission concerning the barn. On October 18, 1989, numerous variances were filed with the Zoning Board of Appeals. On November 14, 1989, the ZBA granted the variances needed. On January 9, 1990, applicant received permission from the Historic Districts Commission to move forward with the barn razing, reconstruction and landscaping. On January 12, 1990, a revised Site Plan was submitted. And on February 27, 1990, applicant met with the Design Review Board.

Mr. Ey went on to say that the plan as originally submitted included demolition of the barn and the creation of a parking lot area on the Route 20 side. Because of the input from a number of abutters, who made it clear that they did not want the barn or the historic nature of the property destroyed, the revised Site Plan displayed this evening was prepared. This revised Plan, Mr. Ey explained, is a scaled-down version and involves razing the existing barn and building a new barn to the exact dimension of the old one; and the addition of a small vestibule connecting the barn to the house. Mr. Ey stated that the purpose of rebuilding the barn is to park five vehicles inside it; and there would be four additional parking spaces for use during the day, with a circular driveway. Mr. Ey further stated that there would be no change in the facade or style of the building.

Mr. Ey informed that the Plan includes location of a septic system on the Route 20 side, which would be a replacement.

Mr. Ey addressed some of the concerns outlined by various boards and departments in their communications as enumerated above. With regard to the Planning Board's request concerning use of a loft in the barn, Mr. Ey assured that there are no plans to build a loft. He explained that the barn is a post-and-beam style, but will be built conventionally with trusses on the inside. In response to concern expressed by the Town Engineer that no lighting was shown on the Plan, Mr. Ey stated there would be no changes to the outside lighting. With regard to the method of waste disposal, Mr. Ey advised that there would be no need for a dumpster; that trash would be disposed of the same way any residence would do it.

In addressing the concerns of parking along King Philip Road and on the premises, Mr. Ey stated that the area where the four outside parking spaces will be located would be paved; and that the circular drive would allow the cars to exit the property onto King Philip Road without having to "back out". The remaining five parking spaces would be located in the barn.

There was a brief discussion concerning the Fire Lane and the placement of signs indicating same. It was generally concurred that it would not be desirable to place metal signs; and the Fire Chief commented that something could hopefully be worked out that if such signs are required, they be as unobtrusive as possible, such as wood. Chairman Drobinski emphasized that the rules concerning access to Fire Lanes will be strictly enforced.

In response to inquiry, Mr. Ey confirmed that applicant is not applying for any signage on the property.

Selectman Cope made inquiry concerning landscape buffers, and Mr. Ey pointed out on the Plan where applicant proposes to install a 6' high fence completely along the property line that abuts the residential property zone. At the suggestion of Chairman Drobinski, applicant indicated that he would have no problem in slightly extending this fence to screen the entire side of the neighboring property.

There followed a discussion concerning the removal of the old barn and construction of a new one; and Mr. Mauro informed that he has been told by a contractor that the barn could be razed and debris removed within five days. This would, he explained, require a dumpster. Building Inspector Joseph Scammon stated that if applicant does not build the barn, he would be in violation of the site plan permit. Mr. Mauro stated that he plans to build the new barn immediately following the razing of the old one; but in any event a requirement that the new barn be constructed within six months would be more than adequate. Mr. Scammon asked what the plans are for parking while construction is going on; and Mr. Ey stated that they plan to encourage carpooling for employees, and have provisions for parking at property located across Route 20.

Linda Camelio of 11 Massasoit Avenue, an abutter to the property, commented that she would like to see substantially more landscaping to prevent more than nine cars from parking on the property. After discussion, it was suggested that the landscaping go forward as shown on the Plan. If the abutters still feel additional shrubbery is desirable, Mr. Mauro indicated that he would have no problem in complying with their reasonable requests.

Sue Ellen Stine of 49 King Philip Road stated that the neighbors want the fence installed prior to the demolition and construction taking place. After discussion, a compromise was reached whereby the barn will be demolished and the debris removed; after which the fence will immediately be erected so that it will be in place while construction of the new barn takes place. Mr. Mauro also agreed to directly notify the abutters when the demolition and construction is scheduled.

It was on motion unanimously

VOTED: To approve Site Plan Application No. 88-309 (Revised) of Paul J. Mauro for a Special Permit under Zoning Bylaw IX.V.A, involving removal and replacement of barn, installation of new underground sewage disposal system, construction of parking area, and landscaping walks in connection with use of property as a business office, for 61 King Philip Road, BD#3 and Res. Dist. A-1; subject to Town Counsel drafting a Decision which will be considered by the Board at its next meeting, said Decision to include, but not be limited to, a provision that the demolition of the old barn and construction of a new one be completed within a six-month period of time; no storage in the new barn; the outside lighting unchanged and shown on plan; and no dumpster be located on the property.

Annual and Special Town Elections - Sale of Alcoholic Beverages

It was on motion unanimously

VOTED: To allow the sale of alcoholic beverages by common victuallers and retail package stores during the polling hours of the Annual Town Election on March 26, 1990, and the Special Town Election on May 14, 1990.

Council On Aging - Van Donations

It was on motion unanimously

VOTED: To accept \$228.99 in miscellaneous donations to be deposited in 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 van.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular session of March 5, 1990, as presented.

Wood-Davison House - Donations

It was on motion unanimously

VOTED: To accept the following donations to be deposited in the Wood-Davison House Restoration Fund:

\$1,000 from Technology Concepts, Inc.

\$600 in miscellaneous donations.

Landfill - Recycling Project

Executive Secretary Thompson informed the Board that favorable responses have been received from Department of Environmental Protection concerning the Town's proposed Recycling Project, and plans are proceeding.

Hop Brook Ponds - Meeting With Mayor of Marlboro

Executive Secretary Thompson informed the Board that a meeting with the Mayor of Marlboro has been scheduled for March 23, 1990, to discuss involvement by Marlboro in the Hop Brook Ponds Study Committee.

The Selectmen will inform Mr. Thompson if their schedules will allow any of them to attend.

1990 Annual Town Meeting - Reading of Article 1

It was on motion unanimously

VOTED: To request Executive Secretary Thompson ask William J. Adelson of 164 New Bridge Road to accept the honor of reading Article 1 at Annual Town Meeting on Monday, April 2, 1990.

Massachusetts Municipal Association - Meeting

Executive Secretary Thompson informed the Board that a meeting of the Massachusetts Municipal Association is scheduled for Saturday, April 21, 1990.

Selectman Cope will inform Mr. Thompson if her schedule will allow her to attend.

League of Women Voters - Forum

Executive Secretary Thompson provided the Selectmen with a packet of information concerning the Forum sponsored by the League of Women Voters, which is scheduled for Wednesday, March 14, 1990.

The Board further acknowledged receipt from Chairman Drobinski of presentation he will be making at the Forum; and he outlined the procedure for that evening.

Waste Site Cleanup

The Board reviewed printout dated January 15, 1990, from Massachusetts Department of Environmental Protection, Bureau of Waste Site Cleanup, listing waste sites and locations in the Town.

Selectman Cope expressed her concern about what is being done about this and Executive Secretary Thompson stated that he would obtain a written report from the Board of Health. Mrs. Cope stated that in addition to the confirmed sites listed, she is especially concerned about the four sites listed as "Locations to be Investigated".

Mrs. Cope further requested the Executive Secretary to obtain an update concerning the Regional Construction and Sears and Schofield sites; and she would like to know if these have been reported to the Department of Environmental Protection.

Parkinson Land Stump Dump

At the request of Selectman Cope, Executive Secretary Thompson will obtain whatever information is available from the Town Engineer concerning the Parkinson Land Stump Dump, as well as a projected time table for implementing same.

Executive Session

It was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss litigation matters.

(Chairman Drobinski, aye; Selectman Cope, aye; Selectman Wallace, aye).

Chairman Drobinski announced that public session would not reconvene following Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 11:30 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk