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IN BOARD OF SELECTMEN  
MONDAY, MARCH 19, 1990

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

The statutory requirements as to time and place having been fulfilled, the meeting was called to order by Chairman Drobinski at 7:45 p.m. at lower Town Hall.

Utility Petition 90-5 - Morse Road and Ridge Hill Road

Present: New England Telephone and Telegraph Company representative Joseph Bausk; residents Marlene A. Miller, Robert M. Rose, Charles R. Schwager, Hale Lamont-Havers, and Lyell J. Sanders, Jr.

The Board considered revised Utility Petition No. 90-5 submitted by New England Telephone and Telegraph Company (NET&T) for installation of conduit on Morse Road as follows: easterly side beginning approximately 183 feet northerly of Ridge Hill Road at pole 20 and running 211 feet southerly to pole 21 (conduit to include electric service); and the installation of service cabinet and pad and conduit on Ridge Hill Road as follows: southerly side approximately 10 feet easterly of Morse Road (conduit to include electric service).

Executive Secretary Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector under date of March 16, 1990, subject to submittal of a revised plan to show actual location of pole 22 on the opposite side of Morse Road. He further noted that, upon learning that Pole 22 had been incorrectly located on the original plan, a revised petition shortening the conduit so that it extends only to Pole 21 and not to Pole 22, was submitted by NET&T as described above.

Marlene A. Miller of Five Ridge Hill Road stated that as proposed by NET&T the service cabinet would be placed directly in front of her home. Charles R. Schwager of 14 Ridge Hill Road and Robert M. Rose of 11 Ridge Hill Road opined that there must be new technology that can be employed to design a much smaller storage unit for wires and batteries than the 5½' x 6' service cabinet NET&T wishes to install in front of a home in a residential district. These abutters were joined by Hale Lamont-Havers of 173 Morse Road and Lyell J. Sanders, Jr. of 164 Morse Road in their concerns as to the location and size of the proposed service cabinet.

NET&T representative Joseph Bausk explained that the service cabinet is a "stock" item purchased from an outside company, and that he has no control over that kind of decision. However, Mr. Bausk assured that he would report to his superiors the extreme displeasure by the residents and suggest that an alternative cabinet be considered. As to location, Mr. Bausk informed that he accompanied the engineer in choosing a site, and this was the best location they could find. Mr. Bausk stated that NET&T would place shrubbery around the cabinet. Mr. Schwager requested that he and other interested residents be supplied a copy of the report showing what sites were considered and how the determination was made to place the cabinet where proposed. Mr. Bausk stated that he would be glad to provide this information.

The Selectmen noted the concerns of the residents and concurred that their feelings are reasonable and understandable given the size of the proposed cabinet and the location in front of a residential home. In answer to inquiry, Mr. Bausk stated that this would be the first cabinet of this size in the Town, although NET&T has commissioned for similar ones to be placed on Willis Road and Marlboro Road.

It was on motion of Chairman Drobinski unanimously

VOTED: To table Utility Petition 90-5 submitted by New England Telephone and Telegraph Company for installation of conduit on Morse Road for a period of thirty days or sooner if the matter is resolved to the satisfaction of all parties, in order to allow New England Telephone and Telegraph Company to investigate and submit alternative service cabinet plans for review and comment by the residents and the Selectmen; and to request the Executive Secretary to coordinate same.

Utility Petition No. 90-6 - Concord Road and Pantry Road

The Board reviewed revised Utility Petition No. 90-6 submitted by New England Telephone and Telegraph Company (NET&T) for permission to install a line of conduits and manholes with the necessary wires and cables therein under Concord Road and Pantry Road as follows:

- Concord Road - Northerly side approximately 53 feet southeasterly of Pantry Road one manhole 3106 and service terminal; thence conduit running southwesterly 68 feet to pole 151; thence from said manhole 3106 running northwesterly 32 feet to and to include one (cev) manhole with raised hatch 3106A; from MH3106 conduit running northwesterly 61 feet thence crossing,
- Pantry Road - 30 feet to pole 3.
- Concord Road - northerly side approximately 43 feet southeasterly of Pantry Road at pole 150 conduit running northeasterly 32 feet to power pedestal and 4 feet to MH3106A conduit for electrical service.

Executive Secretary Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector under date of March 16, 1990, subject to saving or replacing new sapling at or near 12' x 6' manhole location.

NET&T representative Joseph Bausk informed that as can be seen from the revised plan filed, NET&T has relocated the manhole so that the new sapling referred to by the Building and Wiring Inspectors will not be disturbed.

Mr. Bausk informed that one manhole includes a service terminal; the other manhole is 24' long; the "hatch" for same will be 4½' long, 2' high and 2½' wide. When the project is completed, Mr. Bausk informed that NET&T will place shrubbery around them and invited the Selectmen or townspeople to let the Company know what, if any, preferences they have as to the type of shrubs.

It was on motion of Chairman Drobinski unanimously

VOTED: To approve Utility Petition 90-6, as amended and described above, and shown on NET&T Plan No. 90-3, dated February 26, 1990 and entitled, "Plan for Conduit Location 215145".

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular session of February 26, 1990, as presented; to approve the minutes of the executive session of March 5, 1990, as presented; to approve the minutes of the regular session of March 12, 1990, as presented; and to approve the minutes of the executive session of March 12, 1990, as corrected.

350th Anniversary Celebration Committee - Donation

Upon review of communication dated March 14, 1990, from the Sudbury 350th Anniversary Celebration Committee relative to its vote as to disposition of excess funds earned during the Celebration, it was on motion of Selectman Cope unanimously

VOTED: To accept \$14,877.67 on behalf of the Town for deposit into the Wood-Davison House Restoration Fund or should a decision be made not to proceed with the Wood-Davison House relocation and restoration the amount of \$14,877.67 shall be expended under the direction of the Board of Selectmen for the purpose of recognizing the historical significance of Sudbury's 350th anniversary.

350th Anniversary Celebration Committee - Dissolution

As requested by Beverly D. Bentley, Chairman of the 350th Anniversary Committee, in letter dated March 14, 1990, it was on motion of Chairman Drobinski unanimously

VOTED: To dissolve the Sudbury 350th Anniversary Celebration Committee.

Hosmer House - Traffic and Pedestrian Safety Measures

Upon review of recommendations of the Safety Officer and the Sudbury Historical Commission for traffic and pedestrian safety measures related to use of the Hosmer House, it was on motion of Selectman Wallace unanimously

VOTED: To request the Executive Secretary to implement as he sees reasonable the recommendations contained in Safety Officer Anthony Deldon's letter dated December 13, 1989, and letter dated March 12, 1990, from Sudbury Historical Commission Chairman Lyn MacLean, keeping in mind the desire to keep the area as free from signage and other encumbrances as possible;

And it was on further motion unanimously

VOTED: To request the Executive Secretary to communicate to the Sudbury Historical Commission the Board's suggestion that the Commission use the Hosmer Fund to pay for installation of the proposed lamp post; or, if that is not possible in total, to share the cost with the Town.

St. Jude's Children's Hospital - Walk-A-Thon

It was on motion of Selectman Cope unanimously

VOTED: To grant permission for a Walk-A-Thon fundraiser for the St. Jude's Children's Hospital on May 5, 1990, as proposed by Maureen Lee in a communication dated March 14, 1990.

Proclamation - Arthur A. Walker

It was on motion of Selectman Cope unanimously

VOTED: To issue a Proclamation in honor of Arthur A. Walker for his service to the community as founder and director of the Sudbury Junior Ski Program.

Proclamation - League of Women Voters

It was on motion unanimously

VOTED: To proclaim the month of April 1990 as League of Women Voters Month, as requested by Sudbury League of Women Voters Co-President Catherine A. Rader in a letter dated March 8, 1990.

Council On Aging - Resignation

It was on motion unanimously

VOTED: To accept with regret the resignation of Eleanor Guerin, dated February 15, 1990, from the Council On Aging; and to request the Executive Secretary to prepare a letter of thanks to Mrs. Guerin for signature by the Selectmen, for her selfless service to the Town.

Defense Housing Trust - Drainage Easement

The Board reviewed Drainage Easement granted by Defense Housing Trust, Walter R. Beckett, Trustee, on Lots 4 and 6, Kato Drive.

Chairman Drobinski asked if this matter should be decided after Town Meeting, since once this drainage easement is accepted it becomes the responsibility of the Town for care and maintenance. Selectman Cope expressed her concern about whether the development once completed will allow adequate drainage.

It was on motion unanimously

VOTED: To table the matter of accepting Drainage Easement granted by Defense Housing Trust, Walter R. Beckett, Trustee, on Lots 4 and 6, Kato Drive; to request the Executive Secretary to communicate Selectmen's questions and concerns to Town Counsel and Town Engineer for response; and to request the

Executive Secretary to schedule this matter for a future meeting when the requested information is received.

Site Plan Application No. 88-309 - 61 King Philip Road

The Board reviewed the Notice of Decision drafted by Town Counsel relative to the Board's approval pursuant to vote of March 12, 1990 of Site Plan Application No. 88-309, Paul J. Mauro, 61 King Philip Road.

Selectman Cope pointed out that certain items which had been agreed upon by applicant Mauro were either not specifically addressed in the draft Vote as prepared by Town Counsel, or required emphasis. It was agreed by the Selectmen that these items could be incorporated into the draft Decision subject to approval by Town Counsel. [Said additions are underlined in the Vote hereinafter taken.]

After discussion, it was on motion unanimously

VOTED: To grant a Site Plan Special Permit to Paul J. Mauro in accordance with Site Plan Application No. 88-309 (Revised) for property located at 61 King Philip Road 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, as shown on Site Plan entitled; "Plan of Land in Sudbury, Mass. Prepared for: Paul J. Mauro, Scale: 1"=20'" dated November 3, 1988 and revised December 16, 1988, July 20, 1989, and December 15, 1989, drawn by Schofield Brothers Inc. and Floor Plans and Elevations of the Mauro Barn, existing and proposed, as shown on Sheets A-1, A-2, Ex-1 and EX-2, drawn by Dion & Sokol, Inc., Architects, and dated May 8, 1989; subject to compliance with all governmental laws and regulations including, but not limited to zoning, building and health laws and regulations, and further subject to the following conditions:

1. demolition of the old barn and construction of a new one shall be completed within a six-month period of time;
2. no storage whatsoever shall be permitted in the new barn; loft construction is prohibited;
3. the 6' high fence along the eastern property line which shall serve as a buffer for the adjacent residences shall be extended to the southerly bound of the neighboring property and shall be constructed immediately following demolition of the barn and before construction on the new barn begins;
4. the outside lighting shall be indicated on the plan;
5. no dumpster shall be located on the property; and the Plan should so indicate;
6. no signs shall be permitted on the property except signs otherwise required by law or signs required by an officer of the Town of Sudbury for public safety purposes;
7. no storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and except with written notice of the

same to the Board of Health and the Fire Chief; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, G.L. c.21E, as amended, and all regulations issued thereunder;

8. submission of an "as built" site plan - any change in the physical condition of the site, including changes in the location or design of structures or systems, following prior approval of the site plan, will require approval of the Board of Selectmen;

9. as stipulated, and agreed to, in written reports, as follows:

- if Fire Lane signs are required by the Fire Department in connection with the designation by the Fire Chief of the southerly side of King Philip Road from the Boston Post Road to Massasoit Avenue as a Fire Lane under Article V, Section 22, of the Town of Sudbury Bylaws, the cost of said signage shall be borne by the applicant and any required approval by the Historic Districts Commission shall be obtained by the applicant;
- applicant shall confirm with the Town Engineer that no further measures are required to control storm water runoff;
- installation of the septic system shall take place by December 1, 1990, or immediately if the system shows signs of failure;

10. Parking accommodations shall be limited on the entire property to a total of nine (9) vehicles; and this shall be specifically noted on the Plan.

11. Following completion of the landscaping as set forth in the Plan, applicant shall obtain final approval of the landscaping plan from the Board of Selectmen, as such landscaping relates to the barn area adjacent to the road.

12. No occupancy permit shall be issued until items 8, 9, and 11 noted above are complied with.

13. this Special Permit shall lapse if construction and a substantial use thereof have not commenced except for good cause within one year from the effective date of said Permit.

The Board requested Executive Secretary Thompson to communicate the additions made by Selectmen to Town Counsel for his review and comment; and if Town Counsel approves said changes, the Selectmen requested said Decision to be prepared in final form for signature by the Selectmen prior to March 26, 1990.

[N.B. On Thursday, March 22, 1990, Town Counsel reviewed and approved the above additions to the Decision Vote; Executive Secretary had same prepared in final form; and the Selectmen signed same on March 22, 1990.]

Reserve Fund Transfer Request No. 90-15 - Law Dept.

Upon review, it was on motion unanimously

VOTED: To approve Reserve Fund Transfer Request No. 90-15 in the amount of \$15,000 to Account 503-256, Law Legal Expense, to fund staffing of Town

Counsel's Office (4 months), and Labor Relations Counsel and Town Counsel billing through June 30 (estimated).

Town of Wayland - Proposed Joint Compost Facility

The Board acknowledged receipt of the following communications relative to the proposed joint compost facility:

1. copy of communication dated March 12, 1990, from Wayland Board of Road Commissioner William Murphy to Wayland Selectmen, outlining the occurrences at the joint meeting with the Wayland Board of Selectmen on Tuesday, March 6, 1990;

2. copy of letter dated March 14, 1990, from Wayland Recycling Committee Chairman Fred Pearson, updating interested parties on evolving events concerning the proposed Wayland-Sudbury Regional Composting facility at the site of the "old" Wayland landfill vs. a composting site for only Wayland at the "new" Wayland landfill;

3. copy of memorandum dated March 14, 1990, from the Wayland Board of Selectmen to the Wayland Road Commission and Wayland Recycling Committee, offering its assistance to help or support the two committees in working together;

4. copy of vote taken by the Wayland Road Commissioners on March 13, 1990, granting permission to the Engineer from the Town of Sudbury to go on to the property of Wayland's "Old Landfill" off Route 20 for the purpose of examining that site for the applicability for use as a joint composting facility, with stated conditions.

The Selectmen expressed their pleasure at receipt of this news, and the Executive Secretary assured the Board that he will keep them apprised of developments as they occur.

Department of Environmental Protection - Update

The Board acknowledged receipt of memorandum dated March 19, 1990, from Health Director Robert C. Leupold, written in response to the Selectmen's inquiries concerning the Department of Environmental Protection's list of contaminated sites.

Mr. Leupold's letter indicated that DEP inspected the oil spillage at 80 Union Avenue on September 7, 1989; and that he inspected the new concrete oil containment structure on October 6, 1989.

Mr. Leupold further informed that on March 2, 1990, the Board of Health received a copy of a DEP "Request for Information" dated February 27, 1990 to Allen Schofield, requesting response from Schofield within seven days. Mr. Leupold assured that he will request that DEP forward said response to the Board of Health.

Lastly, Mr. Leupold informed that there has been significant activity relating to the DEP list of disposal sites dated January 15, 1990; and that an up-to-date status report will be forthcoming.

Letter from Resident Re: Scheduling of Town & Special Elections

The Board acknowledged receipt of letter dated March 12, 1990, from Theodore A. Barten, 160 Mossman Road, expressing concern over the current scheduling of upcoming Town and Special Elections.

At the request of the Selectmen, Executive Secretary Thompson will communicate with Mr. Barten.

Chapel Property Trust

The Board acknowledged receipt of letter dated March 12, 1990, from Theodore A. Barten, 160 Mossman Road, expressing his continued concern over the non-compliance of Mr. Quirk to demolish and remove four structures on the Mossman Road property and secure two other buildings, as ordered by the Selectmen on December 12, 1989.

At the request of the Selectmen, Executive Secretary Thompson will communicate with Mr. Barten in order to assure him that the Selectmen are monitoring the situation and will pursue same in as expeditious a manner as possible.

Letter from Town Clerk Re: Memorandum From Town Accountant

The Board acknowledged receipt of letter dated March 15, 1990, from Town Clerk Jean M. MacKenzie, enclosing copy of memorandum dated March 12, 1990, from Town Accountant James Vanar to the Board of Assessors, regarding the Town Clerk's FY90 Certificate of Appropriation.

At the request of the Selectmen, Executive Secretary Thompson will communicate with all concerned parties in an effort to resolve this dispute.

1990 Annual Town Meeting Article 30 - Research District

The Board acknowledged receipt of letter dated March 12, 1990, from Town Engineer I. William Place to Executive Secretary Thompson, advising that he has reviewed 1990 Annual Town Meeting Article 30, Research Districts - Permitted Uses - Modification Cluster Development, and offering his comments and suggestions relative thereto.

At the request of the Selectmen, Executive Secretary Thompson will forward copies of said letter to Town Planner Lee Newman, the Planning Board, and Town Counsel's Office.

Sudbury Housing Authority - Comprehensive Permit

The Board reviewed application from the Sudbury Housing Authority for amendment to its Comprehensive Permit regarding the Old Meadow Road parcel.

Executive Secretary Thompson advised that he received a telephone call from Myron Fox, Esquire, attorney for the Sudbury Housing Authority, who informed that the amendment is a technicality which would permit a "swap" of a small portion of the property involved to meet concerns of the abutters.

After reviewing the material, it was on motion unanimously

VOTED: To authorize the Chairman to sign Application for Amendment to Comprehensive Permit for the Old Meadow Road parcel, which Application will be submitted by the Sudbury Housing Authority to the Board of Appeals.

Sudbury Housing Authority - Ft. Devens Annex Alternative Proposal

The Board reviewed draft proposal by the Sudbury Housing Authority dated February 9, 1990 regarding the Ft. Devens Annex Alternative Proposal.

At the request of the Selectmen, Executive Secretary Thompson will communicate to the Sudbury Housing Authority the Selectmen's urging that the Authority continue to persevere in its attempts to secure affordable housing on this site; the location and number of units to be addressed at a later date.

Executive Session

It was on motion by roll call unanimously

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

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

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

There being no further business to come before the Board, the meeting was adjourned at 9:30 p.m.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk