

IN BOARD OF SELECTMEN  
MONDAY, APRIL 10, 1995

Present: Chairman Lawrence L. Blacker, John C. Drobinski, and Maryann K. Clark.

The statutory requirements as to notice having been met, the meeting was convened at 7:00 p.m. in the Lincoln-Sudbury Regional High School Library.

Utility Petition #95-9 - Marlboro Road

The Board convened a public hearing to consider Utility Petition #95-9 from Boston Edison Company and New England Telephone and Telegraph Company for permission to install approximately 88 feet of conduit in Marlboro Road, Sudbury, to provide a new underground electric service to Lot 42.

Secretary Thompson informed that all appropriate abutters had been notified and approval recommended by the Inspectors of Building and Wiring under date of March 31, 1995.

It was on motion unanimously

VOTED: To approve Utility Petition 95-9 from New England Telephone and Telegraph Company and Boston Edison Company for permission to install approximately 88 feet of conduit, shown on Boston Edison Company "Plan of: Marlboro Road, Sudbury", dated March 23, 1995, and New England Telephone and Telegraph Company "Plan for: New Conduit", No. 95-06, dated March 28, 1995, under the following public way of the Town:

Marlboro Road - northerly approximately 730 feet southwest of Minuteman Lane -  
a distance of about 88 feet - conduit.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$39.85 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.

Lincoln-Sudbury Springthing Triathlon - May 7, 1995

The Board acknowledged receipt of a communication dated April 7, 1995, from Bill Fiske, Race Director, Fiske Independent Race Management, requesting permission for conduct of the Lincoln-Sudbury Springthing Triathlon.

Upon review of information regarding this event dated May 7, 1995, it was on motion unanimously

VOTED: To grant permission for conduct of the Lincoln-Sudbury Springthing Triathlon, a swim/bike/run event to take place on May 7, 1995, utilizing the loop of Fairbank Road, Maynard Road, and Hudson Road for a bicycle race and the loop of Fairbank Road, Butler Road, Butler Place, Willis Lake Drive, Basswood Avenue, Crystal Lake Drive and Hudson Road for a running race, beginning and

ending at the Town Pool; as approved by the Police Department and subject to provision of police paid detail as required by the Police Department.

HOPE New England, Inc., Bike-A-Thon - April 29, 1995

The Board acknowledged receipt of a communication dated March 25, 1995, from HOPE volunteer Brian M. Scott, requesting support for this year's bike-a-thon to benefit HOPE New England, Inc.

Upon review, it was on motion unanimously

VOTED: To grant permission to HOPE New England, Inc., to conduct a Bike-A-Thon on Saturday, April 29, 1995, through Sudbury along Maynard Road, Marlboro Road, Haynes Road, Concord Road and Lincoln Road, to promote services to disadvantaged people, subject to approval and provision of police paid detail as required by the Police Department.

Department of Environmental Protection - Recycling Grant Award

The Board was pleased to acknowledge a communication from Thomas B. Powers, Acting Commissioner, Department of Environmental Protection, dated March 29, 1995, informing that Sudbury has been selected as a finalist to receive a Recycling Grant Award of one paint cabinet, one shed and one two-drum locker.

Coalition for North Central Waste Management, Inc., (CONCEWM) - Application for Grants

The Board reviewed a communication dated March 9, 1995, from the Sudbury Resource Recovery Committee to Senator Lucile Hicks, requesting support for grant requests by CONCEWM, which are currently pending before the Department of Environmental Protection.

It was on motion unanimously

VOTED: To likewise endorse an application by CONCEWM (Coalition for North Central Waste Management, Inc.), for grants from the Department of Environmental Protection to fund equipment for recycling, staffing for CONCEWM, and a regional recycling center transfer facility.

Special Town Election - May 17, 1995

It was on motion unanimously

VOTED: To call a Special Town Election to be held on Wednesday, May 17, 1995, from 7 a.m. to 8 p.m. with polling locations at Fairbank Community Center for Precincts 1 and 2 and at Israel Loring School for Precincts 3 and 4; and it was further

VOTED: To approve ballot questions for the same as follows:

**BALLOT QUESTION NO. 1**

Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to remodel, reconstruct, construct additional space, or make extraordinary repairs to the existing town highway department facility off Old Lancaster Road and/or construct a new town building, to purchase additional equipment and furniture and landscaping, for a department of public works and other town offices, and to pay for all expenses connected therewith?

**BALLOT QUESTION NO. 2**

Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to construct an addition and/or renovate and make extraordinary repairs to the Goodnow Library, to purchase equipment and site work for said facility, and to pay for all expenses connected therewith; the authorization not to become effective until the Town receives a grant to provide federal or state aid in an amount not less than \$1,600,000?

**CELLULARONE Decision - Site Plan Special Permit No. 95-320**

The Board approved and signed a Decision relative to Application SP95-320 of CELLULARONE, of Westwood, MA, for a Site Plan Special Permit to install a cellular telephone communication tower and building on North Road providing as follows:

VOTED: To grant a Site Plan Special Permit to CellularONE in accordance with Application No. 95-320, to install a 151.54 foot cellular telephone communication tower and 484 square foot building, on property owned by the Sudbury Water District off Rte. 117, shown on Town Property Map C12, Parcel 004, in Research District No. 1, 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. An Order of Conditions under the Wetlands Protection Act by the Conservation Commission, if applicable;
2. Approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer;
3. Placement of all utilities underground;
4. Extension of Sudbury Water District lines to the site by the owner; no drinking water wells to be installed on the site;
5. The grant of an earth removal permit by the Earth Removal Board, if applicable;
6. Approval of signs or advertising devices as required under applicable provisions of the Zoning Bylaw;
7. No storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and the Fire Chief 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 Materials Release Prevention and Response Act, M.G.L. Chapter 21E, as amended, and all regulations issued thereunder;

8. Exterior lighting to be directed away from adjacent residences and have shields;

9. No use of salt or chemical de-icers on site;

10. If applicable, the grant by the owner or the Town of a restrictive covenant to run with the land, governing, restricting or prohibiting the following, which shall conform to requirements of the Board of Health, Town Engineer and/or Conservation Commission as appropriate:

a. the disposal or removal of effluent and wastes generated on the site;

b. the use of salt or chemical de-icers on the site;

c. the installation by the owner of one or more monitor wells on the site, including the Town's right of access for periodic testing and monitoring thereof, or another protective device as may be required by the Board of Selectmen;

11. 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 approval of the site plan, will require approval of the Board of Selectmen;

12. In addition to the above and pursuant to the recommendations of Town Engineer, Planning Board, Fire Chief and Building Inspector, the applicant shall comply with the following stipulations:

a. A permit shall be obtained from the Board of Appeals under Section IV, A4 of the Zoning Bylaws to construct the tower within the Town.

b. To prohibit unauthorized entrance onto the property, a security gate shall be installed at the North Road entrance with one lock only, accessible by CellularONE, Highway Department, Sudbury Water District, Fire Department and Police Department.

c. Future access shall be made available for the installation of a repeater for Police, Fire and Highway Departments' communication systems, at no cost to the Town.

d. Security lighting in conformance with Section IX, V, A, 7f, "Special Regulations for Site Plan Special Permit", shall be installed.

e. Equipment located on the tower shall be limited to 12 antennas and sub-leasing of space on the tower shall be prohibited for any purpose other than municipal uses.

13. No building permit shall be issued until certain items above (1, 2, 12a) as specified by the Board, are complied with.

14. No occupancy permit shall be issued until certain items notice above (3, 4, 5, 6, 7, 8, 10, 11, 12b, 12d) as specified by the Board, are complied with.
15. This Special Permit shall lapse if construction and a substantial use thereof, have not commenced except for good cause within one (1) year from the effective date of said Permit.

Herbie's Home Made Ice Cream Decision - Site Plan Special Permit #95-321

The Board approved and signed a Decision relative to Application SP95-321 of Philip K. Lewis of Ashland, d/b/a Herbie's Home Made Ice Cream, for property located at 103 Boston Post Road, providing as follows:

VOTED: To grant a Site Plan Special Permit to Philip K. Lewis, 181 Leland Farm Road, Ashland, MA, d/b/a Herbie's Home Made Ice Cream, in accordance with Application No. 95-321 for a change in use to an ice cream store, for property located at 103 Boston Post Road, Industrial District #4, owned by Claire McManus of Shrewsbury, 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. An Order of Conditions under the Wetlands Protection Act by the Conservation Commission, if applicable;
2. Approval of the drainage system, including traps, and catch basins by the Town Engineer, and periodic maintenance and monitoring including written reports as required by the Town Engineer;
3. Placement of all utilities underground;
4. Extension of Sudbury Water District lines to the site by the owner; no drinking water wells to be installed on the site;
5. The grant of an earth removal permit by the Earth Removal Board, if applicable;
6. Approval of signs or advertising devices as required under applicable provisions of the Zoning Bylaw;
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 Materials Release Prevention and Response Act, M.G.L. Chapter 21E, as amended, and all regulations issued thereunder;
8. Approval of the final landscaping plan by the Board of Selectmen after review by the Design Review Board.
9. Exterior lighting to be directed away from adjacent residences and have shields;
10. No use of sodium-based de-icing chemicals on site;
11. If applicable, the grant by the owner to the Town of a restrictive covenant to run with the land, governing, restricting or prohibiting the following, which shall conform to requirements of the Board of Health, Town Engineer and/or Conservation Commission as appropriate:

- a. the disposal or removal of effluent and wastes generated on the site;
  - b. the use of salt or chemical de-icers on the site;
  - c. the installation by the owner of one or more monitor wells on the site, including the Town's right of access for period testing and monitoring thereof, or another protective device as may be required by the Board of Selectmen;
12. 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 approval of the site plan, will require approval of the Board of Selectmen;
13. In addition to the above and pursuant to the recommendations of the Town Engineer, Building Inspector, Planning Board and Design Review Board, the following items are to be implemented:
- a. Obtain permit for curb cut(s) from the Massachusetts Highway Department, District 3, which are to be incorporated into the Site Plan for the Selectmen's approval;
  - b. Obtain a driveway permit from the Engineering Department as required by Article V, Section 30 of the Town Bylaws.
  - c. The site plan is to be revised to include the location of the walk-up, take-out window; outdoor lighting (location, type and intensity); allowed number of seats in the restaurant; location of loading spaces; method of refuse disposal and dumpster location.
14. No building permit shall be issued until items 1, 2, 8, 13a), b), c), above, are complied with.
15. No occupancy permit shall be issued until items 3, 4, 5, 6, 7, 9, 11, 12, noted above are complied with.

This Special Permit shall lapse if construction and a substantial use thereof have not commenced except for good cause within one (1) year from the effective date of said Permit.

Discretionary Fund Petty Cash Account - Expenditure

It was on motion unanimously

VOTED: To confirm an expenditure on April 6, 1995, of \$100 from the Discretionary Fund Petty Cash Account to assist a needy family in purchasing food.

Discretionary Fund

It was on motion unanimously

VOTED: To authorize an expenditure of \$100 from the Discretionary Fund to assist a needy family in paying Boston Gas bills in order to obtain return of service.

Town Manager Appointment Process

Present: Fire Chief Michael Dunne and approximately five or six Department Heads.

The Board acknowledged receipt of a communication dated April 10, 1995, from Planning Board members John O. Rhome, Carmine L. Gentile, and William J. Cossart, urging the Selectmen to appoint Mr. Thompson as the Town's new Town Manager.

On behalf of all department heads in Town, Fire Chief Michael C. Dunne submitted a letter in support of Selectman Drobinski's nomination of Ed Thompson as a candidate for the new position of Town Manager. Mr. Dunne explained that the department heads have met twice to discuss this issue, and they all unanimously support Selectman Drobinski's position to include Mr. Thompson on the list of finalists for the position of Town Manager.

Selectman Clark asked Mr. Dunne how the Screening Committee fits in the Town Manager issue. Mr. Dunne responded that as a member of the Screening Committee, he felt the Committee did the best job they could and worked very hard, but believes that some members of the Committee did not have a clear understanding of how the department heads felt, and he did not think the Committee took the various department heads' viewpoints into consideration when making their decision.

Chairman Blacker remarked that he has received several calls from people in Town who have expressed strong support of Mr. Thompson.

Mr. Dunne stated that everyone feels that Mr. Thompson should be part of the process. Mr. Blacker asked Mr. Dunne why those who support Mr. Thompson on the Committee were not able to raise the number to include Mr. Thompson.

Mr. Dunne responded that there were long discussions and people decided their votes for different reasons, and it was a difficult and long process. He said the Committee started out with the goal of arriving at five finalists. He added that there are a lot of people who think Mr. Thompson should be part of the process.

Selectman Clark remembered the number of final candidates decided upon would be three to five at the time of the transition period from the Blue Ribbon Committee to the Screening Committee. She added that the Board of Selectmen has met with the Chairman of the Screening Committee plus other members at various times to provide direction and/or confirmation of the process. Ms. Clark noted that at the last meeting, the Committee indicated that it would like to have four or five finalists, more or less. Mr. Thompson was a candidate and part of the process, noted Ms. Clark, who said if she second guesses the process now, it would be defeating the Committee's process. She concluded that the Board is only looking at what is equitable.

Chief Dunne asked that the Board take the Department Heads' request under advisement, and asked that Mr. Thompson be given the advantage of the final process and the public interview. The department heads feel that the Screening Committee has literally terminated an employee.

Chairman Blacker asked what would happen if Mr. Thompson were given the opportunity to be one of the finalists but was not appointed. Mr. Dunne responded that they would feel better about the process.

At 7:30 p.m., the Board adjourned to the High School Auditorium to attend and participate in Town Meeting until its close.

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