

IN BOARD OF SELECTMEN
DECEMBER 17, 1973

Present: Chairman William F. Toomey and John C. Powers

The statutory requirements as to notice having been complied with, the regular meeting was called to order at 7:30 p.m. by Chairman William F. Toomey.

Site Plan Application #73-123, Camp Sewataro

Present: Francis E. White, Zoning Enforcement Agent; Alba Taylor, applicant.

Zoning Enforcement Agent, Francis E. White, submitted the site plan for Camp Sewataro (renewal) and stated that all abutters had been notified of the hearing.

The Board received the Zoning Enforcement Agent's report, dated November 20, 1973, and a communication, dated December 11, 1973, from the Planning Board, both of which recommended approval.

As consideration of the plan was for its renewal and no changes had been made to the plan as previously approved by the Board, it was on motion unanimously

VOTED: To approve the site plan for Camp Sewataro, Liberty Ledge, dated January 10, 1972.

Utility Petition 73-20, Peakham Road

In conformity with the requirements of Sections 21 and 22 of Chapter 166 of the General Laws, a hearing was held on the following utility petition:

UP73-20 - Petition, dated November 8, 1973, of Boston Edison Company and New England Telephone and Telegraph Company, requesting joint ownership for poles 1/122 - 1/136, inclusive, presently owned solely by New England Telephone and Telegraph Co., to be owned and used in common by them, and for such other fixtures as may be necessary to sustain or protect the wires of the line upon, along, and across the following public way or ways of said Town:

PEAKHAM ROAD, easterly side, from a point approximately
448' north of Boston Post Road
Fifteen (15) poles.

The Executive Secretary reported that the Board had received a communication, dated December 6, 1973, from the Wiring Inspector and a communication dated December 13, 1973 from the Power and Light Committee, both of which recommended disapproval. The Executive Secretary also reported that as this portion of Peakham Road falls within an Historic District, the Historic Districts Commission Chairman indicated that he would support any recommendation for disapproval by the abutters if they displayed any concern with the approval of this petition.

The Executive Secretary stated that in view of the negative department and committee recommendations, he would recommend that the petition be denied until such time that a petition satisfactory to the Wiring Inspector, the Power and Light Committee, and the Historic Districts Commission is resubmitted, and it was on motion unanimously

VOTED: To deny Utility Petition #73-20.

License Renewals

Following receipt and review of inspection reports from the Building Inspector, Captain Josiah Frost of the Sudbury Fire Department, and John V. Sullivan, Director of the Board of Health, dated December 7, December 4, and December 10, 1973, respectively, it was on motion unanimously

VOTED: To approve and sign the following common victualler's licenses, subject to payment of fees as required:

Pacific Gate Restaurant	Mr. Donut
Sudbury House, Inc.	Friendly Ice Cream
J. T. Steak House	Svensk Kaffestuga
Dairy Queen	Porter's Restaurant, Inc.
Sudbury Bowladrome	Sudbury Drug
Brigham's Inc.	Ye Olde 117 House
Paul Joseph's Restaurant	Sudbury Skating & Tennis Club, Inc.
Sudbury Pizza	American Legion Post #191
Wayside Inn	

It was on motion further

VOTED: To approve and sign the following amusement licenses, subject to payment of fees as required:

Sudbury House, Inc.	Svensk Kaffestuga
Porter's Restaurant	Ye Olde 117 House
Pacific Gate Restaurant	American Legion Post #191
J. T. Steak House	Wayside Inn
Brigham's Inc.	Sudbury Skating & Tennis Club, Inc.
Friendly Ice Cream	

It was on motion further

VOTED: To approve and sign the following alcoholic beverages licenses, subject to payment of fees required:

Sudbury House, Inc.	Ye Olde 117 House
Pacific Gate Restaurant	American Legion Post #191
J. T. Steak House	Wayside Inn
Wayside Package Store, Inc.	Tracy's Package Store
The Bottle Shop	Nugent's Variety
Svensk Kaffestuga	Porter's Restaurant
Sudbury Super Market	

Following receipt and review of a report dated December 6, 1973 from the Zoning Enforcement Agent, it was on motion unanimously

VOTED: To approve and sign the following Class I license, subject to payment of fee as required:

C. R. Wood Corporation

It was on motion further

VOTED: To approve and sign the following Class II licenses, subject to payment of fees as required:

Station Road Auto Body
Colonial Auto of Sudbury, Inc.

Extension of Serving Hours

On motion, it was unanimously

VOTED: To extend the serving hours on December 31, 1973 (New Year's Eve) to 2:00 a.m. on January 1, 1974, to all holders of alcoholic beverages pouring licenses in Sudbury.

Senator Chester Atkins

Chairman Toomey announced that Senator Chester Atkins will hold public office hours Tuesday, January 8, 1974, at the Loring Parsonage, from 7:00 - 9:00 p.m., to discuss State-related problems or general legislative matters.

Minutes

The question of approving the minutes of the regular meeting of December 3, 1973, was deferred until the next regular meeting.

Special Selectmen's Meeting - December 15, 1973

The Executive Secretary reported on a special meeting of the Board held at 7:30 a.m., Saturday, at the Loring Parsonage, at which the following items were discussed.

Town Hall Renovations - Mr. Thompson reported that it was agreed by those present to proceed with proposed Town Hall renovations by submitting an article at the 1974 Annual Town Meeting.

Police/Fire Headquarters - Mr. Thompson reported that agreement had been reached on the interior spacial layout and exterior design of the police/fire headquarters. Mr. Thompson stated that the Permanent Building Committee and the Selectmen had agreed to sponsor a reserve fund transfer request of approximately \$3,000 to allow

the Permanent Building Committee to provide both contemporary and colonial designs and cost figures for the proposed headquarters building for Town Meeting consideration, in order that a direction in which to proceed may be chosen.

Projected Tax Rate - Mr. Thompson commented on recent press reports concerning a projected tax rate and, on behalf of the Board, stated that there is no accurate method of projecting the tax rate at this early date and that any current figure in the press is false, misleading, and without substantiation.

Chairman Toomey, stated that there is no way in which the total assessment for the Town can be computed before January 1, 1974, when the necessary information is received by the Board of Assessors, who are responsible for making this computation and setting the tax rate.

Special Town Meeting, January 3, 1974

At the request of Selectman Powers the Board yielded their Chairs to men from the Companies Minute and Militia, portraying the seven-man Board of Selectmen as they met on December 17, 1773, for the purpose of announcing the calling of a Special Town Meeting at the West Meeting House on January 3, 1974.

There followed a reenactment of the December 17, 1773, meeting held to determine whether a Special Town Meeting should be called because of receipt of certain information from Boston dealing with the East India Tea Company and a mob throwing tea into the harbor. The Board agreed to call a Special Town Meeting, the three-article warrant to be in the hands of the Constable by Thursday, December 20, 1773, and the meeting to be held on January 3, 1774, at 8:00 p.m. at the West Meeting House.

Writ of Mandamus - Town of Sudbury, Board of Selectmen, Director of Civil Service

Town Counsel reported that the Town of Sudbury had been brought into court on a Writ of Mandamus by Sergeant Peter Lembo of the Sudbury Police Department, in a petition against the Town, the Board of Selectmen, and the Director of Civil Service, which requests the Court to direct the Board of Selectmen to appoint Sergeant Peter Lembo as Chief of Police.

Mr. Turner stated that the petition was presented to the Court today and that a hearing will be held on Wednesday relative to a temporary restraining order prohibiting the Board to appoint anyone else to that vacancy.

Mr. Turner further stated that he had talked with the Court and between now and Wednesday, will review the petition with Mr. Edward W. Powers, Director of Civil Service, and a representative from the Attorney General's office, and that he has prepared a demur in answer to the petition.

Energy Crisis

The Executive Secretary reported that in accordance with the Selectmen's plan for dealing with the Energy Crisis, the Town Hall offices will be closed 5:00 p.m. December 21st through December 25th, and 5:00 p.m. December 28th through January 1, 1974.

Mr. Thompson also reported that the Board was in the process of implementing all plans to conserve energy and has agreed to the establishment of a temporary emergency shelter to be located in the upper Town Hall.

Site Plan Application #73-122 - Buddy Dog Humane Society, Inc.

Present: Zoning Enforcement Agent, Francis E. White; Alfred W. Halper, applicant and Treasurer of the Buddy Dog Humane Society, Inc., Edward Kreitsek, President, Buddy Dog Society; Edward A. Sokoloff, and approximately fifty abutters and interested Townspeople.

At 8:00 p.m. Chairman Toomey opened consideration of Site Plan Application #73-122, Buddy Dog Humane Society, Inc.

Zoning Enforcement Agent, Francis E. White, submitted the site plan for Buddy Dog Humane Society and stated that all abutters had been notified of site plan consideration. Mr. White read his report, dated November 20, 1973, which recommended the removal of the outside runs.

The Executive Secretary read the report, dated December 7, 1973, from the Planning Board, which recommended conditional approval, as well as a request, dated December 7, 1973, from the Planning Board to Town Counsel, for an opinion relative to the variance granted by the Board of Appeals on March 2, 1972, and Town Counsel's response, dated December 11, 1973, which set forth his opinion that the variance runs with the land.

The Executive Secretary also reported a telephone message from Jane Gillespie, relaying the Planning Board's request that if the recommendation for total enclosure for the dog runs (from the study entitled "Community Noise Impact Evaluation", prepared by Bold, Beranec and Newman, Inc., at the request and expense of the abutters) were agreed to by the Society, that the site plan be referred back to that Board before approval is given by the Selectmen, as said agreement would constitute a change in the site plan.

Mr. Kreitsek displayed a copy of the site plan and described the proposed building as it would be situated on the land, stating that he had met with the interested abutters and that they had had a chance to see and discuss the plan.

Mr. Kreitsek displayed a second conceptual plan, which showed the enclosure of all runs within the building, and in response to a question, stated that this second plan had not yet been presented to the Planning Board.

Chairman Toomey suggested that this second plan was not properly before the Board at this time and asked Town Counsel whether or not it could properly be considered.

Town Counsel stated that the only plan properly before the Board at this meeting was the original one which had been advertised for the purpose of the hearing, and that it would be necessary that the second plan proceed through the proper processes before review by the Board.

Mr. Kreitsek then requested that discussion of the original plan also include discussion of the second plan, and Chairman Toomey stated that it was the consensus of the Board to confine discussion to the plan under consideration in line with Town Counsel's remarks.

As attorney and spokesman for a newly formed Sudbury citizens group called "Community Action Against Incompatible Development", Mr. Edward Sokoloff presented comments in opposition to the Humane Society's proposal which he later distributed to the Board in the form of a letter, dated December 17, 1973.

Selectman Powers asked Mr. Kreitsek whether the plan under consideration addressed itself to the nine restrictions of the special permit issued to the Humane Society by the Board of March 9, 1972, and reading each restriction in turn, he requested that Mr. Kreitsek respond to each:

1. No dogs or puppies shall be allowed outside the building except in enclosed areas and except for training and show purposes or being transported. Mr. Kreitsek stated that the present plan indicated outside runs.
2. All outdoor areas used for show or training purposes shall be screened so that they are not visible by motorists on the Boston Post Road. The screening must not be so high as to make exit from the property to the street dangerous and must comply with Section IV, subsection C, paragraph 3, c. of the Zoning Bylaw. Mr. Kreitsek indicated that no specific area for show or training was shown on the site plan.

3. The facility can only be open to the public, Monday through Saturday, between the hours of 9:00 a.m. and 6:00 p.m., and on Sundays and holidays between the hours of 1:00 p.m. and 6:00 p.m., except that the period from 6:00 p.m. to 8:00 p.m. may be used for training school. Mr. Kreitsek stated that in his opinion the use limitation was not germane to site plan consideration.
4. The rear portion of the property now zoned residential will be left in its present condition. In particular, the screening provided by existing trees will not be disturbed. Mr. Kreitsek stated that the Society would retain and add some trees, but felt that this condition was outside the perimeter of the site plan as submitted.
5. The Buddy Dog Humane Society, Inc., shall file with the Board of Selectmen, prior to the effectiveness of this permit, a statement of obligation pledging that the persons responsible for the operation of the business and activities associated with the use of the building(s) and land, herein referred to, shall at all times manage and operate the facility and supervision of dogs in such a manner that noise nuisance due to the barking of dogs shall not become offensive beyond the property lines. Mr. Kreitsek responded that no such statement of obligation had been filed with the Board of Selectmen.
6. The Buddy Dog Humane Society, Inc., shall file, prior to the effectiveness of this permit, and annually thereafter, a list of names and addresses of the corporate officers fully or partially responsible for any of the acts of the Buddy Dog Humane Society, Inc. The filing with the Town of a copy of a list required to be filed with the Commonwealth of Massachusetts is considered as meeting this condition. Mr. Kreitsek indicated that the Society would file said information with the Commonwealth and with the Town, if so requested.
7. This permit is specifically granted to the Buddy Dog Humane Society, Inc., and is non-transferrable and does not run with the land. Mr. Kreitsek stated that this restriction, if imposed, would make the financing of this operation a burden, if not impossible.
8. The uses and authorities allowed hereunder are granted only with respect to Section III, B, 2, i, of the Zoning Bylaw of the Town of Sudbury and the granting of this permit does affect any of the applicable provisions of the Zoning Bylaw. Mr. Kreitsek indicated the Society's agreement with and acceptance of this restriction.

9. This permit is subject to revocation by the Board of Selectmen, after public hearing, upon the violation of any of the conditions set forth herein.

Following further discussion, it was on motion unanimously

VOTED: To deny, without prejudice, the site plan of the Buddy Dog Humane Society, Inc., based upon evidence which indicates that the Buddy Dog Humane Society, Inc., in submitting this application, which is basically the same as their prior application, is not willing to comply with all nine restrictions imposed by the Board of Selectmen on March 9, 1972. In addition, the applicant has indicated that some of said March 9, 1972 restrictions are unacceptable to them, and that another, substantially modified plan, will be submitted in the immediate future.

Heritage Park - Public Meeting

Present: Ron Boucher, Architect; Joan MacGilvra and Grace Gelpke of the Permanent Landscape Committee; Town Surveyor, Arthur E. Harding; Mr. and Mrs. Clark Goff, Mr. and Mrs. William Cossart, Mr. LaMonte Griswold.

The Executive Secretary stated that tonight's public meeting was being held in line with the development of final plans for Heritage Park. Mr. Thompson stated that the Board wished to receive comments from the abutters to help in the Board's decision in giving the architect direction in which to proceed.

Mr. Thompson reported that the Board had received a communication, dated November 27, 1973, from the Permanent Landscape Committee, indicating approval of the conceptual plan as presented by the architects at the Selectmen's meeting on November 26, 1973, and the statement that, in their opinion, it was necessary to include a parking area in the plan, but that proposals for the children's play area, the warming shed and lighting were debatable and could be added later if the need were established.

Mr. Boucher displayed and explained the conceptual plan for the information of the abutters.

Discussion followed with comments from the abutters, which indicated that they would like to see the present provisions for parking and lighting excluded from the plan, further consideration as to inclusion of the barn and the children's play area, and an over-all lower-keyed stage of development.

Chairman Toomey requested that Selectman Powers and his Bicentennial Committee, the architect, and the Permanent Landscape Committee further consider the matter, taking into consideration the abutters' comments concerning changes in the plan, and report back to the Selectmen as soon as possible.

Executive Session

At 10:15 p.m., it was on motion unanimously

VOTED: To enter into executive session for the purpose of considering 1973 appointments and payments from the discretionary fund.

There being no further business to come before the Board, it was on motion unanimously

VOTED: To adjourn the meeting at 10:30 p.m.

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