

IN BOARD OF SELECTMEN
MONDAY, JULY 23, 1973

Present: Chairman William F. Toomey, John C. Powers, and John E. Taft.

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.

MacKinnon's Package Store

On the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To issue to MacKinnon's Package Store a replacement liquor license to be in accord with the Board's vote of July 9, 1973, which incorporated the location of the entrances and exits,

and it was further

VOTED: To indicate on the replacement license that it is a second issue.

Massachusetts Bicentennial Commission

Present: Mrs. Mary Herbert, Joanne McGeary and Susan Schruth of the Massachusetts Bicentennial Commission

Mrs. Mary Herbert, Cities and Towns Coordinator of the Massachusetts Bicentennial Commission, met with the Board concerning the functions and programs of the State and Federal American Revolution Bicentennial Commission. Mrs. Herbert stated that invitations had been sent to 40,000 communities and Indian tribes throughout the country advising them of the bicentennial program and urging their involvement in qualifying for Federal and State funding for individual community bicentennial projects. She said that her office was currently awaiting the designation of certain towns and cities as bicentennial communities.

Mrs. Herbert reported that the national commission has appropriated \$40,000 to each state, from sales of its official commemorative medallion. She further reported that the Massachusetts Bicentennial Commission has decided to make these funds available to local communities, on a matching grant basis, in support of their own Bicentennial projects, specifically those projects with a lasting value to the community.

Mrs. Herbert stated that the Massachusetts Commission wants input from the towns relative to each town's particular plan for celebration, for the purpose of compiling a "Calendar of Events", which will then be distributed throughout the Commonwealth.

Joanne McGeary stated that, as program director for the Bicentennial Commission, she was involved in learning the needs of the communities in the area of transportation, and welcomed any input from the local committees.

Chairman Toomey stated that Sudbury has no mass transportation, and that its only public transportation is the recently reduced service of The Gray Lines Bus Company. Chairman Toomey also stated that, during the bicentennial celebration, Sudbury should remain as Sudbury is today, with special emphasis on activities and celebrations as planned for by local town agencies and civil groups.

Selectman Powers commented on Senate bill S. 1819, an act to establish the Massachusetts Bicentennial corporation, which will be heard on August 2nd, stating that the Board is very concerned about the powers granted in this bill, if passed, and that the matter is being pursued by Town Counsel.

Chairman Toomey requested that a consensus be obtained from surrounding area communities with respect to Senate bill 1819, for the benefit of Town Counsel who will be requested to attend the hearing.

Site Plan Application #73-115, Coatings Engineering Corp.

Present: James Knott, President, Coatings Engineering Corp.; Warren G. Miller, Attorney; George Maravelias and Albert Zaccone of Coatings Engineering Corp.; Francis E. White, Zoning Enforcement Agent; Paul McNally of the Planning Board.

The Executive Secretary stated that the owner of the property and all abutters had been notified of the hearing. The Board received a letter, dated July 23, 1973, from the Planning Board, which recommended conditional approval, and a letter, dated July 18, 1973, from Peter H. Scott, of the Conservation Commission (sent as an individual member of the Board rather than following a vote of the Commission), which itemized the Commission's concern with proposed and existing drainage.

Francis E. White, Zoning Enforcement Agent, submitted the site plan for Coatings Engineering Corporation and reported that he had visited Coatings' Natick plant and had found neither air nor water pollution at that site and that his recommendation was for site plan approval.

Mr. Miller explained Coatings' proposed use of the RADIN building, which is located on Lot 2B, and stated that they do not intend to alter the building with the exception of the enlargement of the leaching field. Mr. Miller stated that the reference in Mr. Scott's letter relative to an increase in drainage was incorrect. Mr. Miller also stated that it was Coatings' obligation to maintain the drainage ditch running along the Boston and Maine railroad tracks and that they fully intend to maintain the drains. In answer to a question, Mr. Miller stated that the deed received from Mr. Justin Wyner, the former owner of the property, contained the right to drain over other land of Wyner, and that, if the drainage becomes obstructed, the new owners have the power to clear the obstruction if not cleared by Mr. Wyner.

Mr. McNally, of the Planning Board, stated that, as a part of subdivision approval, all easements relative to drainage planning are deeded to the buyer and become the responsibility of the owner of the land. Mr. McNally requested that the Planning Board receive a plan showing enlargement of the leaching system.

In answer to a question from Chairman Toomey, Mr. Miller stated that Coatings owns and controls the private road leading out to Union Avenue. Chairman Toomey expressed the Board's concern with public safety at the railroad crossing over this road. Chairman Toomey stated that the Board needs a definite commitment from Coatings Corporation for both an immediate and a permanent solution for a satisfactory warning system at this crossing site.

Chairman Toomey further stated that the Board will require a clarification of Coatings' responsibility as it pertains to drainage. Mr. Toomey suggested, in this regard, that Mr. Wyner accompany the applicants when they next appear before the Board at a continuation of the hearing.

Following further discussion, it was on motion unanimously

VOTED: To continue consideration of site plan application #73-115 until August 6, 1973, at 9:00 p.m.

Site Plan #73-116 - Herbert A. Seymour, 34 Church Street

Present: Francis E. White, Zoning Enforcement Agent; Paul McNally, Planning Board; Herbert A. and Barbara B. Seymour, applicants; Mr. and Mrs. Roland H. Eaton, Natalie R. Eaton, Richard S. Long, Hilda A. Whitney, Jerome McGonagle, Mr. and Mrs. Forrest Bradshaw, and Mr. and Mrs. Michael Guernsey, abutters

Francis E. White, Zoning Enforcement Agent, submitted the site plan for Herbert A. Seymour, 34 Church Street.

The Executive Secretary reported that he had received, on July 19, 1973, a telephone message from Dr. James Healy, Chairman of the Board of Health, wherein Dr. Healy indicated that the following requirements must be satisfied before Board of Health recommendation for approval could be given:

1. School must provide Town water - present well water barely meets standards.
2. A school will require new sewerage system.
3. The Board of Health must approve the number of toilets for the school.
4. The State Law prohibits children under seven years of age on the second floor of a wooden structure when used for commercial purposes.

The Executive Secretary reported that the Board had also received a communication, dated July 18, 1973, from Marjorie Shewan, an abutter, stating that she had no opposition to the operation of a school at this address provided that State and Local regulations are complied with.

Mr. Thompson further reported that Mr. and Mrs. Herbert A. Seymour had, on June 13, 1973, applied to the Secretary of the Commonwealth for incorporation of "Mrs. Seymour School, Inc." for the purpose of operating a school for children, using the Carden method, to be located at 34 Church Street. Mr. Thompson stated that this application for incorporation, following consideration by the Selectmen at their meeting of June 25, 1973, had been referred to the Building/Zoning Inspector for his report.

The Zoning Enforcement Agent stated that all abutters had been notified and read his report, dated July 10, 1973, which stated that he did not recommend the approval of a non-profit educational corporation, as this type of an operation exempts the school from zoning. Mr. White recommended that the applicants pursue their request in accordance with Article IX, E, of the Town Bylaws.

Mr. Seymour described the operation as a private day school, stating that they would hope to have between 18-20 students by September, and that while the system encompasses children from three years of age thru the ninth grade, they are primarily interested in grades one thru six and would stay within the grade limits imposed by the Board, if so requested.

Paul McNally stated that the Planning Board had reviewed the site plan on July 16, 1973, and had voted to approve it earlier this evening with the following conditions:

- a) adequacy of roads and driveways;
- b) inspection by the Board of Health relative to sewerage;
- c) type of screening should be specified;
- d) variance from the Board of Appeals required for any changes in the structure; and
- e) entrance and exit signs must be noted on the plan if a circular traffic pattern is used.

Mr. McGonagle stated that he was somewhat concerned with the aspect of the school's operation as a non-profit corporation as well as the safety factor of the present gravel driveway, which abuts his property. Mr. McGonagle recommended that this driveway be paved as a condition of site plan approval.

Mr. Bradshaw stated that the septic system extends onto one of his and Mrs. Bradshaw's two lots, which abut the property, and which were originally part of the property under consideration, and that they would object to any increase in sewage onto their land.

Miss Hilda Whitney stated that she was opposed to the operation.

Mr. Guernsey spoke of his concern with malicious mischief caused by the older students.

Mr. Long spoke of his concern with the safety of children at the curve on the hill.

Mr. McGonagle questioned whether, if the Seymours chose the non-profit corporation route, they would have to go before the Sudbury School Committee.

Chairman Toomey requested that the Planning Board submit their recommendation to the Board in writing. Chairman Toomey further stated that he would like to continue the hearing until August 6th to allow for receipt of further information, to include an answer to Mr. McGonagle's question relative to the necessity of a corporation to appear before the School Committee, and the consolidation of various Board reports and statements made by the abutters.

On the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To continue consideration of site plan application #73-116 until August 6, 1973, at 9:30 p.m.

It was further

VOTED: To table Item 10 of tonight's agenda (consideration of the above-mentioned Application for Incorporation) until August 6, 1973,

and it was further

VOTED: To request the petitioners, by August 6th, to indicate to the Board, their willingness or intention to withdraw or pursue their Application for Incorporation.

The Board directed the Executive Secretary to communicate with the office of the Secretary of the Commonwealth relative to the Application for Incorporation, advising the Secretary that the Board has the matter under consideration and will make recommendations on the same, following the continuation of the hearing on August 6th.

Minutes

The Board voted unanimously to approve the minutes of the regular meeting of June 25, 1973, as submitted, and the minutes of the executive session of June 25, 1973, the special executive session of July 5, 1973, and the regular meeting and executive session of July 9, 1973, as amended.

Appointments - Election Officers for 1973-74

The Board received a communication dated July 5, 1973, relative to republican nominees for appointment as election officers in Sudbury and a communication, dated July 18, 1973, from the Sudbury Democratic Town Committee, relative to democratic nominees for appointment as election officers.

It was on motion unanimously

VOTED: To defer consideration of the above-referenced communications until August 6, 1973, to allow for receipt of nominees for tellers from the Democratic Town Committee.

Traffic Rules and Orders

On the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To incorporate Town Counsel's recommendations, as stated in his communication of July 23, 1973, for amendment to the Traffic Rules and Orders, as voted by the Selectmen on July 9, 1973.

The Board directed the Executive Secretary and the Town Counsel to report back with necessary additional amendments to the Traffic Rules and Orders by September 30, 1973.

The Gray Line, Inc.

The Board received an announcement, dated July 10, 1973, of a public hearing to be held by the Department of Public Utilities at its hearing room, #1210 Leverett Saltonstall Building, 100 Cambridge Street, Boston, on Monday, July 30, 1973, at 10:00 a.m. relative to the joint petition of the Gray Line, Inc., of Boston, (Proposed Transferor) and Ritchie Bus Lines, Inc., of Northboro, (Proposed Transferee) for approval by the Department for proposed transfer of certificates authorizing the operation of motor vehicles for the carriage of passengers for hire.

The Board requested Town Counsel to attend this hearing.

Heritage Park - Application for Federal Grant

Following consideration and discussion, on the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To authorize and approve the filing of an application entitled "Heritage Park", for a Federal assistance grant of \$5,000, dated July 23, 1973, to the Massachusetts Bicentennial Commission,

and it was further

VOTED: To direct, authorize, and designate Richard E. Thompson, Executive Secretary to the Board of Selectmen, to act as the official representative on connection with the Heritage Park application dated July 23, 1973, and to provide such information or data that may be required relative thereto.

Accounting Department Safe

On the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To approve the disposal of the accounting department safe in accordance with Article XII, Section 1, of the Town Bylaws.

Day Care Centers - Licensing

Upon the recommendation of Town Counsel, it was on motion unanimously

VOTED: To designate the Board of Health as the unit of government who will perform, for the Town of Sudbury, the licensing function relative to operators of day care centers.

Treasury Warrants

The Selectmen signed a payroll warrant in the amount of \$105,390.72 and a bills payable warrant in the amount of \$35,570.73.

Executive Session

It was on motion unanimously

VOTED: To enter into executive session for the purpose of discussing, deliberating or voting on a matter which, if made public, might adversely affect the reputation of any person.

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

VOTED: To adjourn at 12 midnight.

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