

IN BOARD OF SELECTMEN
NOVEMBER 26, 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.

Chairman Toomey announced that Town Counsel, David L. Turner, has recently been hospitalized, and since released, but was unable to attend tonight's meeting.

Hearing - Application for Transfer of Liquor Licenses

Present: Roger S. Murray; Robert J. McCabe; Jerome L. Francis, attorney; Zoning Enforcement Agent, Francis E. White; and Frederick Robinson, abutter.

Chairman Toomey read the notice of public hearing, which was continued from November 12, 1973, and was concerned with the following petitions:

1. Application for transfer of package goods store license for the sale of Wine and Malt Beverages, under Chapter 138, Section 15, of the General Laws, from Victoria Miceli, d/b/a Tracy's Package Store, located at 466 North Road, Sudbury, Massachusetts, to Robert J. McCabe.
2. Application for transfer of restaurant license for the sale of All Alcoholic Beverages, under Chapter 138, Section 12, of the General Laws, from Armando S. Troisi, d/b/a Ye Olde 117 House, located at 470 North Road, Sudbury, Massachusetts, to Roger S. Murray.

Selectman Powers, who was Acting Chairman at the November 12th meeting, reported that the hearing had been continued to enable submission of new petitions in accordance with recommendations set forth in Town Counsel's opinion dated October 29, 1973, which cited General Laws provisions which prohibit the issuance of both a package store license and a pouring liquor license to the same applicant(s).

Mr. Jerome Francis, the attorney representing Messrs. McCabe and Murray, stated that following a review of the statute, he was in agreement with Town Counsel's opinion.

The Executive Secretary stated that the Board was in receipt of all necessary information and documents concerning the transfer.

Selectman Powers questioned whether these two licensed operations were physically separated from one another.

Mr. Francis stated that there was a solid wall separating the two businesses and that they do have separate entrances.

In response to questioning from Selectman Taft, Mr. Murray stated that the proposed operation would be a new business venture for him, as he has worked in the electronics industry at Raytheon for fourteen years and, in addition, as a part-time employee in a Maynard package store for two years. Mr. Murray further stated that he was interested in pursuing the management of a restaurant of this type because of the continuing decline of the defense-oriented electronics industry.

Mr. Murray stated that there is no familial or previous business relationship between Mr. McCabe and himself, but that he and Mr. McCabe have a partnership on the land and the building.

Mr. McCabe in response to questions from the Board stated that he is presently manager of Campbell Hardware in Newton, a contract hardware house, and commented that he had written the hardware specifications for the Lincoln-Sudbury Regional High School.

Mr. McCabe stated that he had no previous experience in any operation such as he is presently proposing and that his interest in acquiring the transfer of ownership and the management of the package goods store license is for reasons of business diversification.

Zoning Enforcement Agent, Francis White, stated that the business use, the building, and the two existing signs are all pre-existing and non-conforming. Mr. White also clarified that the interior common doorway had been studded and boarded up on one side, but that until boarded up on the second side would not comply with regulations set by the Alcoholic Beverages Commission. Mr. White stated that there was also a common window which can be raised and that this, too, should be sealed, and that by these modifications to the interior, it would be possible to completely separate these buildings.

Selectman Taft asked what assurance Messrs. Murray and McCabe could give the Board that this proposal would be a useful service to the Town.

Mr. Murray stated that the first thing they plan to do is clean the outside ground area, to clean and paint the building, and that he hoped to put in a colonial style window. Mr. Murray assured the Board that all plans would be submitted to the Building Inspector, and/or the Board for approval prior to their implementation.

Mr. White stated that the exterior walls and the interior of the building could be renovated but that additions could not be made to the existing structure without Board of Appeals approval.

Mr. McCabe stated that he felt his past experience in management could be applied to this new business venture.

Mr. Frederick Robinson, an abutter at 461 North Road, expressed no objection to the proposal and endorsed the change in ownership.

The Executive Secretary was directed to request from Town Counsel, by telephone, an opinion concerning whether or not the present applications address themselves to the problem mentioned in Town Counsel's opinion, dated October 29, 1973.

Following further discussion, it was on motion unanimously VOTED: To take the matter under advisement, and to inform the applicants and other interested persons of the Board's decision, once made.

Town Fathers' Forum - 88th Session

The transcript of the Town Fathers' Forum attached hereto is a part of these minutes.

Minutes

The Board voted to accept the minutes of the regular meeting and the executive session of November 19, 1973, the former as amended.

Labor Relations Work - Appointment

On the subject of labor relations work, it was on motion unanimously

VOTED: To retain the firm of Murphy, Lamere and Murphy, 540 Granite Street, Braintree, to act as the Board of Selectmen's agent in conducting the 1974-75 collective bargaining work for the Town of Sudbury.

Heritage Park - Conceptual Plan

Present: Arthur Harding, Town Surveyor; Ron Boucher and Richard Hardy of Ron Boucher Associates, Inc.; Joan MacGilvra and Grace Gelpke of the Permanent Landscape Committee.

Mr. Richard Hardy presented a preliminary conceptual design plan for the Board's approval, which included a system of paths, a children's play area, alternate plans with and without the existing barn, fencing along Concord and Old Sudbury Roads, restoration of the fairy garden, parking spaces, open space activity areas, and areas on plantings.

Selectman Powers stated that of major immediate concern was the question of additional drainage work relating to the pond.

In this regard, Mr. Boucher explained that he and Mr. Hardy were recommending installation of a water control gate using control boards and requested that if this recommendation were approved by the Board, installation be made at this time, as it will be another year before the water is at a level to allow for installation.

Town Surveyor, Arthur Harding, stated that he had discussed the proposal for the water control system with Mr. Boucher and agreed that now is the time for installation. Mr. Harding stated that he and Mr. Boucher had also agreed that the cost for such installation would not exceed \$500.00 and requested that the Board authorize him to proceed with the system as an additional work order to the existing contract.

Mr. Thompson stated that he thought the request was within reason and that there also existed in the excavated trench a silting problem which will also have to be resolved.

Following further discussion, Mr. Boucher requested direction from the Board to proceed with a detailed plan.

The Executive Secretary suggested that Mr. Boucher submit a letter to the Board, to which it could respond, requesting the Board's acceptance of the preliminary conceptual design as presented.

It was on motion unanimously

VOTED: That the Board of Selectmen authorize the expenditure of an additional sum, not to exceed \$500.00, to be expended from the Heritage Park Fund, for the purpose of an additional work order relative to the drainage and water system of Heritage Park, under the direction of the Town Surveyor.

Application for Incorporation

Following a review by the Board of the below-named application for incorporation, it was on motion unanimously

VOTED: To send a favorable report to the Secretary of the Commonwealth on the application of Kenneth Simon, 26 Silver Hill Road, for incorporation of Assabet Valley Minor Hockey Association, Inc., to be located in the Town of Sudbury.

Energy Crisis - Town of Sudbury

The Executive Secretary submitted to the Board for their review a ten-point proposed plan for dealing with the energy crisis in the Town of Sudbury. The plan incorporated the intent and purpose of the Chairman of the Board of Selectmen's letter on the subject, dated November 9, 1973, which was directed to all Departments, Boards, and Commissions, and in line with Governor Sargent's request at a meeting relative to the energy crisis on November 20th at the State House. Mr. Thompson stated that he was recommending action on a local level only as Federal and State regulations will be imposed on cities and towns.

The proposal was discussed and Selectman Taft made the following suggestions:

1. Consolidation whenever possible of all meetings, services, etc., among all Town organizations rather than to specify church services alone (Item 4).
2. The inclusion of Chairman Toomey's entire letter dated November 9, 1973, on the subject of the energy crisis (Item 5).
3. The inclusion of wood from rights-of-way, etc., (Item 6).
4. Request cooperation of businesses in the possibility of forming car pools (Item 8).
5. Request Town businesses to only keep sufficient lighting on, when open, to allow observance by customers that they are open, and when closed, a minimum number of security lights.
6. Stop illumination of signs which are strictly for advertising purposes.

Selectman Powers suggested that Boston Edison Company be contacted concerning a decreased amount of street lighting.

The Executive Secretary was requested to redraft the proposal incorporating the above suggestions.

Following further discussion on the plan proposal, it was on motion unanimously

VOTED: To implement point #1 of the proposed plan, the designation of Richard E. Thompson, Executive Secretary, as Energy Crisis Coordinator for the Town of Sudbury.

Utility Petition #73-19, Boston Post Road

In conformity with the requirements of Sections 21 and 22 of Chapter 166 of the General Laws, a continuation of a hearing was held from October 29 and November 19, 1973, on the following utility petition:

UP73-19 - Petition of Boston Edison Company for permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, under the following public way:

BOSTON POST ROAD, at and easterly from Goodman Hill Road to the Sudbury-Wayland Town Line, a distance of about 1,711 feet - Buried Cable, and Pipe.

BOSTON POST ROAD, at and easterly from the Sudbury-Wayland Town Line to the Sudbury-Wayland Town Line, a distance of about 1,175 feet - Buried Cable, and Pipe.

The Board had previously received a communication, dated October 17, 1973, from the Wiring Inspector and his verbal recommendation for approval at the October 29th meeting. The Board had also previously received the report, dated October 29, 1973, from the Power and Light Committee which recommended disapproval as the proposed underground installation does not include the necessary conduit and transformer pads which will eventually allow the elimination of overhead power lines along Route 20.

The Board had also previously received a communication dated November 19, 1973, from Mr. Frederick Roth, District Manager of Boston Edison Company, which provided additional information relative to the petition request and Boston Edison's attempts to process the work order to enable completion of the underground installation prior to the highway resurfacing.

The hearing was continued from November 19th to allow the full complement of the Board to be present for the vote on the petition.

Following further discussion, it was on motion unanimously

VOTED: To deny Utility Petition #73-19 for the following reasons:

1. Hardship imposed by disruption of traffic due to the necessity of repaving the surface of approximately 1320 feet of trenching, which would fall within the newly paved Boston Post Road;

2. The additional cost to Boston Edison Company, for direct burial of a sufficient quantity of cable duct system to eventually provide for total undergrounding in the area did not appear to be significantly excessive, as the trenching would be required in the first instance for the petition under consideration; and

3. Recommendation for disapproval by the Power and Light Committee for those reasons stated in their communication dated October 29, 1973; a response to which by the Boston Edison Company, to date, has been unsatisfactory.

Appointments

It was agreed by the Board to defer consideration of 1973 appointments.

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

VOTED: To adjourn the meeting at 11:00 p.m.

Attest: 
Richard E. Thompson
Executive Secretary-Clerk