

IN BOARD OF SELECTMEN
OCTOBER 29, 1973

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

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.

Utility Petition 73-19

Present: Robert Blake of Boston Edison Company; Robert E. Stone of the Power and Light Committee; Francis E. White, Wiring Inspector.

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.

UP73-19 - 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's 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 Executive Secretary stated that prior to the meeting, Mr. Blake had answered questions set forth in the Wiring Inspector's communication dated October 17, 1973, and that the Wiring Inspector had recommended approval of the utility petition.

The Executive Secretary stated that the Power and Light Committee's report, dated October 29, 1973, received at 7:15 p.m., prior to the meeting, 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. Mr. Thompson stated that the report also requested the incorporation of power cables for future demands by Wayland from the Sudbury substation.

Discussion followed and questions asked of Mr. Blake concerning the amount of recently-laid pavement which would have to be dug up, the time sequence of the original Raytheon request (October 1972), and why the request had not been coordinated with the DPW's schedule for repaving Boston Post Road. The Board wanted assurance that digging up the pavement along Route 20 would not be a continuing thing and suggested that Boston Edison work with the DPW to this end.

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

VOTED: To continue consideration of Utility Petition 73-19 until Monday, November 12, 1973, to allow receipt of further information of issues raised at tonight's meeting.

Special Permit - Casual Male

Present: Fred Carlow, representing Casual Male; Zoning Enforcement Agent, Francis E. White.

The Board received a communication, dated October 25, 1973, from the Zoning Enforcement Agent, which recommended that the application for waiver be granted.

Following discussion of the proposed sign, on the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To authorize the Executive Secretary to sign the waiver to allow rewording of the present sign located at The Casual Male, Inc., 365 Boston Post Road.

Minutes

The Board voted unanimously to accept the minutes of the regular meeting and the executive session of October 24, 1973, the former as amended.

Extension of Hours - Alcoholic Beverages

Upon receipt of a communication from Ronald J. Griffin, Post 191, of the American Legion, it was on motion unanimously

VOTED: To extend the hour of beverage service at the American Legion building on Saturday, November 10, until 1:00 a.m., Sunday, November 11, 1973, in order to accommodate their annual installation of new officers.

Walkways

The Board received a communication dated October 15, 1973, from Mrs. Arthur G. Lyeth, Jr., 119 Pantry Road, which offered a donation to the Town of a portion of her land bordering the railroad tracks for walkway purposes.

The Board directed the Executive Secretary to communicate with Mrs. Lyeth by letter, thanking her for her generous offer, and to forward Mrs. Lyeth's communication to the Planning Board for review and comment.

Police and Fire Department - Letter of Commendation

The Board received a communication from Mr. Bert Powers, 507 North Road, relative to Fire and Police aid to his family, which highly commended members of the Police and Fire Departments for their knowledgeable and efficient manner in which aid was administered to his family.

The Board directed that the commendation be placed in the personnel folder of the police and fire chiefs.

Wastewater Management Needs of the Metropolitan Boston Area - Meeting

The Board received an informational communication dated October 17, 1973, from John W. Sears, Commissioner, Metropolitan District Commission, and John H. Mason, Colonel, Corps of Engineers, relative to an upcoming study to determine solutions of the wastewater management needs of the Metropolitan Boston area.

It was the consensus of the Board that copies of the communication be forwarded to the Highway Commission, the Town Surveyor, the Board of Health, and the Regional Concerns Committee.

Resignation - Revolutionary War Bicentennial Commission

The Board received a communication dated October 21, 1973, from Richard E. Davison, tendering his resignation from the Revolutionary War Bicentennial Commission.

The Board accepted the resignation with deep regret and directed the Executive Secretary to acknowledge Mr. Davison's service on that Commission.

Massachusetts Bay Transportation Authority

The Board received a communication dated October 23, 1973, from the Massachusetts Bay Transportation Authority (MBTA) relative to a meeting of the Advisory Board on October 31st at 10:30 a.m., for the purpose of action upon Supplementary Budget #5.

It was on motion unanimously

VOTED: To recommend to the MBTA designee, Paul Buxbaum, that he cast a "no" vote relative to Supplementary Budget #5;

and it was further

VOTED: To direct the Executive Secretary to contact the Secretary of the MBTA Advisory Board, indicating that the Town of Sudbury wishes to be recorded in opposition to Supplementary Budget #5 to be voted on October 31, 1973.

H.1086 - Compulsory and Binding Arbitration in Labor Disputes

Selectman Taft reported that Governor Sargent has returned to the Legislature House Bill No. 1086, an act providing for compulsory and binding arbitration of labor disputes in municipal fire and police departments, with a suggested amendment providing for local acceptance. Selectman Taft reported that the Massachusetts Selectmen's Association is urging towns to commend the Governor for his action and his support of Home Rule and to wire representatives and senators asking them to support the H.1086 local acceptance amendment.

It was on motion unanimously

VOTED: To telegraph Governor Sargent, commending him on his return of H.1086 to the legislature and his support of Home Rule by his proposed amendment for local acceptance;

and it was further

VOTED: To telegraph Representative Ann Gannett and Senator Chester Atkins, indicating the Selectmen's support of the Governor's proposed amendment to H.1086 for local acceptance and requesting that they support it in the House and in the General Court.

Temporary Trailer Permit - 3 Stock Farm Road

Present: Building Inspector, Francis E. White; Virginia McCarthy; Mr. Norris, representing Mrs. McCarthy's attorney, Genero L. Morte; Linda Burdette, abutter.

The Executive Secretary reported that consideration of this matter was continued from the October 15th meeting to allow receipt of further information relative to the insurance settlement. Mr. Thompson stated that during the interim period he had been in contact with Mr. Morte, Mrs. McCarthy's attorney, who indicated that the insurance settlement for fire damage was concluded, and that Mr. Morte had requested that the Selectmen allow a two week extension to his client's temporary trailer permit in order that she may obtain a building permit. Mr. Thompson stated that he had not yet been able to contact the insurance adjustor.

Building Inspector, Francis E. White, stated that his report as previously given on October 15th remained the same, but that if the claim has been settled and funds forthcoming, he saw no objection to granting an extension of the temporary trailer permit.

Chairman Toomey commented to Mrs. McCarthy and Mr. Norris that he would hope that the next report on this matter from the Building Inspector would indicate that a building permit had been applied for. Mr. Norris replied that if an extension was granted, he believed that a building permit could be applied for by Mrs. McCarthy within fourteen days.

Following further discussion, it was on motion unanimously VOTED: To grant an extension of the present permit for a temporary trailer located at 3 Stock Farm Road for a period of two weeks.

Appointments

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

VOTED: To make the following appointments:

To the Regional Concerns Committee - Edmund L. Henault, Malcolm Beers, Ronald Campbell, and Paul Buxbaum, for terms to expire on April 30, 1974.

To the Veterans Advisory Committee, in accordance with General Laws, Chapter 115, Section 12 - William A. Burns, Paul J. Leahy, Alfred Bonazzoli, Thomas F. McDonough and Catherine Greene, for terms to expire April 30, 1974.

To the Council on Aging - Marion Letteney, Elinor Bentley, for terms to expire on April 30, 1976; Gloria Stoccardo (Director of the Sudbury Public Health Nursing Association) and Paul J. Leahy, for terms to expire April 30, 1975; and Clifford Card for a term to expire April 30, 1974.

Site Plan - Application 73-120, Philip F. Kropp, 81 Union Avenue

Present: Philip F. Kropp, applicant, and S. Dean Porter, Jr., owner of property under consideration at 81 Union Avenue

Zoning Enforcement Agent, Francis E. White, submitted the site plan for Philip F. Kropp and stated that the owner, all abutters, and appropriate town agencies had been notified of the hearing. Mr. White stated that a permit had been granted by the Board of Appeals on October 2, 1973, to Philip F. Kropp and Janet and Dean Porter to operate a retail business located at 81 Union Avenue in Industrial District #2.

The Board received on October 24, 1973, a communication from the Conservation Commission, stating that there appeared to be no land falling under the jurisdiction of the Wetlands Protection Act included in the plan.

The Board also received two communications dated October 25, 1973, from the Planning Board, one of which recommended disapproval of the site plan until the existing signs are removed and replaced by a sign or signs according to specifications in compliance with the bylaw. The communication also suggested that the oil tank located outside of the C. R. Wood building be shown on the plan and screened or placed within the building. The second Planning Board

communication related to a discrepancy between their interpretation of the bylaw and that of the Zoning Enforcement Agent, and enclosed a copy of Town Counsel's opinion on the subject dated October 24, 1973.

Mr. White indicated that the oil tank would be shown on the plan and screened or be removed to the interior of the building and stated that with the exception of a question relating to signs, the remainder of the site plan was in order.

On the subject of the interpretation of the bylaw, the Executive Secretary stated that Town Counsel, in his above-referenced communication, had indicated that sign size calculations are to be figured on the basis of the total exterior signs and would include all sides used as a sign.

Selectman Powers stated that he preferred to reserve judgment on Town Counsel's opinion until the impact of said opinion on existing standing signs is learned, and suggested the matter be referred to the Sign Bylaw Committee.

Selectman Taft stated that he believed there was a previous Town Counsel's opinion contrary to the one under discussion.

Town Counsel assured the Board that his opinion and the matter of interpretation of the Sign Bylaw under discussion would be reviewed by the Sign Bylaw Committee.

Mr. White recommended that the two signs, one in front of the business building under consideration and the second in front of Pleasure Products, be relocated so that they comply with the setback requirements and that the free-standing C. R. Wood sign be removed and an additional wall sign be attached to the C. R. Wood building, which would in essence resolve the question of the sign location and size being in conflict with the bylaw.

Following further discussion, it was on motion unanimously

VOTED: To approve the site plan, dated October 5, 1973, for Philip F. Kropp, for location at 81 Union Avenue, subject to incorporation of the Zoning Enforcement Agent's above-mentioned recommendation, which is to be so recorded on the original site plan application.

Past Selectmen - Town of Sudbury

Chairman Toomey announced that there had been several omissions in honoring past Selectmen during the October 24th Town Fathers' Forum and that to be included among those mentioned were:

Forrest Bradshaw who had served the Town as Selectman for two one-year terms in 1921 and 1922 and in various other capacities from 1929 until the present time, including the Finance Committee, the School Committee, and as Town Clerk.

L. Roy Hawes who served as Selectman from 1933-36 and in other capacities from 1938-1959, including the Finance Committee, the School Committee and as Moderator.

Francis L. McGettigan who served as Selectman from 1942-47.

Town Hall Renovations - A & H Browning

Present: Andrea Browning, Hugh Browning; Craig Parkhill and James Rubin of the Permanent Building Committee.

The Executive Secretary reported on his meeting with James Rubin and A & H Browning, Architects, on October 5th, during which he requested, through Mr. Rubin, that the Board be given written response from the architects to its letter of September 4, 1973, which forwarded to the architects recommendations for the Town Hall renovations.

The architect's report received October 26, 1973, had been earlier distributed to the Board.

The Executive Secretary stated that the Selectmen generally favored Scheme C-2, which would retain the upper hall for a Selectmen's Hearing Room and provide for a second floor addition over the offices to the rear of the Town Hall. Mr. Thompson reported that the Selectmen were concerned with the total cost of the renovation proposal and in an effort to reduce costs would recommend that the elevator be eliminated.

Mr. Browning responded that the elevator was included in the renovation plans in compliance with the State Board for the Physically Handicapped requirements, but the requirement could be appealed by the Town. In response to the Board's request, Mr. Browning stated he would inquire as to the basis for appeal. Mr. Browning also stated that costs for the elevator had been included in the cost estimates.

The architect's report received October 26, 1973, was then reviewed and the following items discussed:

1. Design and construction time schedules.
2. Fire station renovation and possibility of doing Town Hall renovation in two phases.
3. Cost figures for renovation of present Town Hall area plus work in the fire station area and 800 square foot second-floor

addition over present offices to the rear of Town Hall. Mr. Browning stated that upper meeting hall space is not included in space figures, but money for its renovation is included.

Mr. Browning also explained that to the cost figures included in their report must be added a further 10% for renovation contingencies, 10% - 18% for building cost escalation for 1975 construction and Massachusetts State Association standard architect's fee, and furnishing and capital equipment costs which will amount to 30% - 40%. Mr. Browning stated that the square foot cost would break down to approximately \$15 S.F. for minor improvements, \$25 S.F. for minor renovation, \$35 S.F. for major renovation, and \$45 S.F. for addition or new construction.

Recommendations made by the architects in their communication received October 26, 1973, were responded to by the Board as follows:

- Planning considerations should be made for including the renovation of the fire station with the present plans. The Board was in agreement with this recommendation and the Executive Secretary suggested to the architects that their final document presentation include Town Hall (phase 1) and Fire Station (phase 2) plans.

- The architects recommended that the Board of Selectmen agree now as to whether or not to include the 800 square-foot addition over the present offices. On recommendation of the Executive Secretary, the Board was in agreement to include the second floor addition for planning purposes, subject to further discussion. Mr. Browning stated that they would include the proposal in their final schematic plans, but that if eliminated at a later date, it may require additional architectural fees during the final design stage.

- The architects requested that the Selectmen set a target date for completion of renovation construction. After discussion, the Board agreed to a tentative schedule of requesting final plans and specification funds at the 1974 Annual Town Meeting, and construction funds at the 1975 Annual Town Meeting. It was stated by the Architects that construction would take at least a year.

Selectman Powers recommended that all involved Town Hall departments meet together to discuss present plans for renovation and allocation of space.

The Executive Secretary stated that, in summary, the architects should proceed with final schematic designs, based on Scheme C-2 as modified in the Selectmen's letter dated September 4, 1973, and as agreed to this evening.

In addition, the Executive Secretary stated that he would meet with all town hall departments involved to review spacial layouts, after discussing the same with the Board prior to doing so.

Town Counsel - Revaluation Suit

Town Counsel distributed to the Board draft copies of a Bill in Equity for Declaratory Judgment and Injunctive Relief relative to the Town's revaluation suit, and there followed review and discussion.

Town Counsel reported that on October 31st, he would address a seminar of Finance Committees and Advisory Boards to discuss general problems and generate support in connection with the revaluation suit. Mr. Turner reported that he would also have lunch during the week with one or two Commissioners of the Department of Corporations and Taxation, and would try to arrange for a meeting Thursday with Counsels of other South Middlesex towns presently assessed at full and fair valuation that have expressed an interest in Sudbury's suit, in an effort to advise them and seek support.

Town Counsel requested that the Board confirm names of the seven Townspeople to join in the suit by the end of the week. Mr. Turner also stated he would incorporate the Board's suggested clarifications into the final petition, which would be ready for them at the November 5th meeting, and that he would plan to file the petition on Tuesday, November 6th.

The Executive Secretary and Town Counsel commented briefly on a real estate bill recently passed by the House, which would require immediate action to force all Massachusetts cities and towns to full valuation.

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 financial interest of the Town or the reputation of any person.

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

VOTED: To adjourn at 11:10 p.m.

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