

IN BOARD OF SELECTMEN
SEPTEMBER 17, 1973

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

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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 Petitions 73-15, 73-16

Present: Robert Blake of Boston Edison Co.

In conformity with the requirements of Sections 21 and 22 of Chapter 166 of the General Laws (Ter. Ed.) a hearing was held on the following petitions:

UP73-15 - Petition of Boston Edison Company for permission to erect or construct, and a location for, a guy wire and anchor in the following public way:

HUDSON ROAD, northerly side, approximately 273 feet
west of Concord Road, --
One (1) guy wire and anchor.

The Board received a communication, dated September 17, 1973, from the Power and Light Committee, which recommended approval.

UP73-16 - Petition of Boston Edison Company and New England Telephone and Telegraph Company for joint or identical locations for the erection or construction of a pole to be owned and used in common by them and such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line upon, along and across the following public way:

CONCORD ROAD, northwesterly side, approximately 468 feet
northeast of Hudson Road, --
One (1) pole, guy wire and anchor.
(One existing JO pole to be removed.)

The Board received a communication, dated September 17, 1973, from the Power and Light Committee, which recommended approval.

It was on motion unanimously

VOTED: To approve the above-mentioned petitions, dated August 20, 1973, as submitted by Boston Edison Company and New England Telephone and Telegraph Company.

Special Permit - Community National Bank

Present: Paul M. Ladouceur

Mr. Paul M. Ladouceur, Manager of the Community National Bank, 451 Boston Post Road, met with the Board relative to his application

for illumination of the bank's existing sign. Mr. Ladouceur displayed to the Board photographs showing the sign as it exists on the building. The application indicated a recommendation for approval, dated August 6, 1973, by the Zoning Enforcement Agent.

After discussion concerning the hours of illumination, Chairman Toomey stated that the matter will be placed on the agenda for action at the September 24th meeting. In the meantime, the Executive Secretary will review previous Board action relative to placing conditions on the hours of illumination of signs.

Special Permit - New Reflections, Inc.

Present: Abram J. Grossman

Mr. Grossman met with the Board relative to his application for permit for illumination, by two 8' fluorescent lights, of his signs at New Reflections, Inc., located in Mill Village.

The application indicated a recommendation for approval, dated August 6, 1973, by the Zoning Enforcement Agent.

Chairman Toomey requested Mr. Grossman to submit to the Board, during the week, some photographs and a request for hours of illumination and stated that this matter would be placed on the agenda for action at the September 24 meeting.

It was the recommendation of the Executive Secretary that a change in the application form be made to inform the applicant that he should submit a simple plan and photographs to supply the Board with necessary information at the time of application consideration.

Minutes

The Board voted unanimously to accept the minutes of the regular and the executive session of September 10, 1973, as corrected.

Sudbury Swimming and Tennis Club - Site Plan Application #73-118

Present: Richard R. Jordan and Robert Noyes from the Sudbury Swimming and Tennis Club, Mr. and Mrs. Milton Weinstein and Mr. and Mrs. Theodore Catino, abutters

Richard Jordan, President of the Sudbury Swimming and Tennis Club, Inc., submitted the site plan for the Sudbury Swimming and Tennis Club. Chairman Toomey stated that the owner of the property and all abutters had been notified of the hearing. Chairman Toomey stated that the Board had received the report of the Zoning Enforcement Agent, dated August 17, 1973, which recommended conditional site plan approval, and a communication, dated September 11, 1973, from the Planning Board, which recommended removal of the backboard from its present location (Court 5) to the area proposed as a second location (Court 1), if approved by the Board of Appeals.

Mr. Jordan stated that because of an increasing interest in tennis, additional land had been purchased by the Club following completion of its original facilities and three additional courts had been added. Mr. Jordan stated that a tennis pro had been hired this year, who had indicated the need for a backboard, construction for which was begun by the members, until stopped by the Zoning Enforcement Agent, who notified the Club that construction of the backboard would require a permit from the Board of Appeals under Section III, A, 1, c of the zoning bylaws, site plan approval by the Selectmen, and a building permit. Mr. Jordan stated that the Club had appeared before the Board of Appeals on September 11, 1973, but had not officially been notified of its decision. Mr. Jordan stated that the backboard had been placed at Court 5 rather than at Court 1 because the three new courts were those used for tournaments, with the two older courts being relegated to more or less practice courts.

Chairman Toomey commented that until such time as the Board receives notification of the Board of Appeal's decision, no action would be taken by the Selectmen.

In response to a question, Mr. Jordan stated that the backboard was constructed of 5/8" or 3/4" plywood over frames made of 2 x 4's with Fiberglas insulation between the plywood sheets to reduce the noise level. The possibility of filling the backboard with sand was discussed.

Mr. Milton Weinstein, 26 Axdell Road, stated his objection to the placement of the backboard in Court 5 because of its proximity to his home. Mr. Weinstein also stated that if the Board does not accept the recommendation of the Planning Board relative to relocation of the backboard, measures should be taken to insure a minimum amount of noise.

Mr. and Mrs. Theodore Catino, 25 Axdell Road, stated their opposition to the backboard in its present location and asked Mr. Jordan what the hours of usage would be. Mr. Jordan stated that the hours established for use of the backboard were 10:00 a.m. - 6:00 p.m., Monday through Saturday, and 12:00 noon - 6:00 p.m. on Sunday.

Chairman Toomey recommended that, before the September 24th meeting, each member of the Board inspect the site, and it was on motion unanimously

VOTED: To continue the hearing for consideration of Site Plan Application #73-118, Sudbury Swimming and Tennis Club, Inc., until the Board's regularly scheduled meeting on September 24, 1973.

Lincoln Town Cab - License

Present: Richard E. Samson, President of Lincoln Town Cab

Mr. Richard E. Samson, President of Three S. Livery, Inc., d/b/a Lincoln Town Cab, Lincoln Road, Lincoln, met with the Board relative

to the company's application for a license for a taxi and/or limousine service. Mr. Samson stated that their company presently had two 1973 Ford Country Squire Wagons, and would acquire a third by October. Mr. Samson requested and received approval of the following rates:

\$.80 per mile, with a minimum of \$1.50

\$15.00 (including tolls) to Logan Airport

These figures would be a flat rate and would not be increased for additional passengers.

Mr. Samson stated that he and the two other owner/drivers of the company are regularly employed as registered pharmacists and drive cabs in their off-duty hours. Mr. Samson stated that they had, in addition, recently hired a new full-time driver.

Chairman Toomey suggested to Mr. Samson that he consider the need for morning and evening commuting service to the Lincoln train station.

Selectman Powers requested that Mr. Samson submit to the Executive Secretary information pertaining to their insurance coverage.

Town Counsel suggested to Mr. Samson that information be given to the Police Department relative to the general area in which the cabs will be stationed.

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

VOTED: To approve and to sign the application for license for Three S Livery, Inc., d/b/a Lincoln Town Cab, subject to the Board's rules and regulations regarding taxi licenses as adopted by the Board on June 17, 1965, said license to be held by the Board until receipt of information relative to the company's insurance policies and copies of the drivers' certificates. This approval is also subject to the Board's notification by the licensee of all changes in driver personnel, with character verification for the individual drivers to be determined by the Executive Secretary.

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 the Sudbury Swimming and Tennis Club, Inc., Hemlock Road, for a change of location to Hemlock Road, P.O. Box 19, Sudbury, Massachusetts.

Massachusetts Selectmen's Association

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

VOTED: To endorse the content of the press release of the Town of Needham, dated September 11, 1973, relative to the status and future of the Massachusetts Selectmen's Association, and which would support the proposed changes in the Association's bylaws that would return control of this organization to elected active Selectmen whose towns contribute most to the Association's support.

Meeting of Area Legislators and Town Officials

The Board received a communication, dated September 10, 1973, from the Executive Secretary of the Town of Framingham, which invited Sudbury's participation in a meeting of area legislators and town officials scheduled for Thursday, September 20, 1973, at 7:30 p.m. at Nevins Hall, Memorial Building, Framingham, to discuss:

1. Acquisition by the State of the former Carousel property to be used as a central spot for mass rail service to Boston, and
2. Traffic problems affecting Route 9, Route 27, Route 30, Route 126, and Route 135.

As no member of the Board will be free to attend this meeting, the Executive Secretary was directed to request that the results of the meeting be forwarded to the Board for review.

Police Chief Nicholas Lombardi - Patrolman Ronald Conrado

Chief Nicholas Lombardi met with the Board to introduce Patrolman Ronald Conrado to the Board. The Executive Secretary stated that both he and Chief Lombardi had been unanimous in their recommendation for Patrolman Conrado. The Board extended its congratulations to Patrolman Conrado upon his appointment to the department on September 10, 1973.

The Executive Secretary commended the Police Chief for the excellent changes in his monthly report to the Board.

Buddy Dog Humane Society, Inc.

At 9:00 p.m., as no representative of Buddy Dog Humane Society, Inc., had appeared for their appointment, it was on motion unanimously

VOTED: To table Item 5 on tonight's agenda pending the appearance of the parties involved.

Later in the evening, Edward Kreitsek and Alfred Halper, of the Buddy Dog Humane Society, and Jacob C. Diemert, attorney for Mr. Halper, appeared. Mr. Kreitsek reported that the Board of Appeals, on April 10, 1973, denied the Society's request for renewal of their permit for the operation of the Society's kennel on Dakin Road. Mr. Kreitsek reported that the Board of Appeal's decision has been appealed to District Court and will be heard in mid-October and that if the appeal is denied by the District Court, the Society stands ready to appeal the Court's decision.

Mr. Kreitsek stated that the Society did not continue with their plans for development of their Post Road site for the following reasons:

1. the Board of Appeal's denial of their request for a variance for a disposal field;
2. the severe limitations and conditions imposed by the special permit granted by the Board of Selectmen on February 17, 1972;
3. the Board's disapproval of the Society's site plan for the Post Road location on March 2, 1972.

Mr. Kreitsek stated that he would like to have the operation remain in Sudbury, but unless the Society can remain as a functioning organization, it will have no power to raise money for use as funds in building a new operation. Mr. Kreitsek also stated that payment of all legal fees will come not from the Society but from a private benefactor.

Chairman Toomey stated that this Board and past Boards of Selectmen have been more than cooperative with the Society, and Mr. Kreitsek concurred.

At this point, Mr. Kreitsek stated that he would request that the remainder of the discussion be held in executive session for purposes of discussing contract relationship between the Town and the Society and possible site locations and land acquisition. The Board was in accord.

House Bill 387

The Board received a copy of a communication dated September 11, 1973, from the Town of Medfield to the Chairman of the Senate Ways and Means Committee, State House, which expressed concern about the provisions of House Bill 387, which would establish the use of equalized valuation in the apportionment of State and County taxes. The community requested that the Chairman of the Senate Ways and Means Committee oppose House Bill 387, for the reason that the passage of such legislation, rather than correcting the present distribution injustice, would add to it.

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

VOTED: To fully support the statements made in the above-mentioned letter and it was further

VOTED: That the Executive Secretary communicate, by telegram and a follow-up letter, the Board's request for support of any action to defeat House Bill 387 to Governor Francis W. Sargent; Kevin H. Harrington, Senate President; David M. Bartley, Speaker of the House of Representatives; Senator Chester Atkins; Representative Ann Gannett.

Application for Incorporation

Present: Bruce T. Quirk, Robert D. Quirk

Messrs. Robert and Bruce Quirk met with the Board to discuss their plans for development of an approximately 10-acre pond located within the Bowker V subdivision. Mr. Bruce Quirk stated that the proposed corporation would be controlled, by deed, by the homeowners within the subdivision.

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 Bruce T. Quirk, 29 Hudson Road, and Robert D. Quirk, 272 Willis Road, for incorporation of Clearwater Recreation Association, Inc., to be located in the Town of Sudbury.

Resignation

The Board received notification from Gerald I. Levy, that he had been moved to Charlotte, North Carolina, on August 22, 1973, and that he was tendering his resignation from the Drug Control Committee. The Board directed the Executive Secretary to acknowledge Mr. Levy's communication and express the Board's thanks for his service to the Town.

Article 7 - Special Town Meeting, June 1973

Chairman Toomey announced that Item 12 on tonight's agenda would be deferred until the September 24th meeting.

Executive Session

At the request of Mr. Kreitsek, it was on motion unanimously

VOTED: To enter into executive session for the purpose of discussing contract relationship between the Town and the Buddy Dog Humane Society, and possible site locations and land acquisitions.

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

VOTED: To adjourn the meeting at 11:15 p.m.

Attest:

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