

IN BOARD OF SELECTMEN
JANUARY 21, 1974

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.

U. S. Military Reservation

Chairman Toomey announced that he and the Executive Secretary had met with Commissioner Arthur W. Brownell, Department of Natural Resources, and his staff relative to the excessed land of the Defense Department Natick Laboratories. Chairman Toomey stated that Commissioner Brownell had agreed to work in conjunction with the Town of Sudbury toward acquisition of portions of the above-mentioned land and any Federal funding possibilities in this connection.

Chairman Toomey stated that, following the meeting, he had suggested that Commissioner Brownell and his staff meet with the towns involved for further discussion during the latter part of February.

The Executive Secretary stated that the portions of excessed land that lies in the Town of Maynard has been given to Maynard.

Discussion followed in regard to holding a preliminary joint meeting on the subject among the Selectmen and representatives of the Planning Board, Park and Recreation Commission, and Conservation Commission prior to the meeting with Commissioner Brownell and the Selectmen from the towns involved. The Executive Secretary was directed to schedule both meetings.

Energy Crisis - Public Safety - Gas Station Lines

Chairman Toomey commented on the traffic hazard created by the extension onto the public ways of traffic lines formed by customers waiting to purchase gasoline.

Chairman Toomey suggested that this public safety issue be a subject for discussion at the next joint meeting of area Selectmen, which is scheduled for the first part of February and to be hosted by Wayland, and requested that the Executive Secretary contact Wayland in this regard.

The Executive Secretary was also directed to contact local gasoline station owners through the Business Advisory Committee, requesting that they set up some type of schedule for gasoline sales which would not create such a traffic hazard and to report back to the Board their reaction to the schedule proposal.

Utility Petition #74-1 - Boston Post Road

Present: Robert Blake, Boston Edison Company; Janet Brennan, abutter;
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.

UP74-1 - 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 as may be necessary to sustain or protect the wires of the line upon, along, and across the following public way:

BOSTON POST ROAD, northerly side, approximately 32 feet west of Uplook Drive, --
One (1) pole.
(One (1) existing JO pole to be removed.)

The Board received a report, dated January 16, 1974, from the Power and Light Committee, and a report, dated January 10, 1974, from the Wiring Inspector, both of which recommended approval.

Mrs. Brennan stated no objection, but suggested that proposals for public hearings be posted at a public place, such as the library. Chairman Toomey stated that each hearing is advertised in one of the local newspapers and that the site plan proposals are on view in the Building Department.

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

VOTED: To approve the above-mentioned petition, as submitted by the Boston Edison Company and the New England Telephone and Telegraph Company.

Reserve Fund Transfer Requests

Present: Francis E. White, Building Inspector

#0550 - Town Hall Maintenance - The amount of transfer requested by the Building Inspector was \$2,630.00, for monies needed for fuel oil, electricity and gas for Town Hall maintenance for the remaining six months of the 18-month budget.

Mr. White stated that the fuel oil portion of this account, as of January 4, 1974, was overdrawn by approximately \$145.00, due in part to the cost increase, and that the balances in the electricity and gas accounts were insufficient to carry through the remaining six months.

The Board requested that the Building Inspector obtain figures for an analysis of the consumption of fuel oil used at the Town Hall, taking into consideration the amount of fuel delivered and in the tank as of October 1972.

Following further discussion, it was on motion unanimously

VOTED: To table consideration of reserve fund transfer request #0550-Town Hall Maintenance until receipt of the above-mentioned information.

#0533 - Centre School Maintenance - The Board requested that the Building Inspector obtain similar figures, as stated above, for the Centre School maintenance, before consideration of the request.

It was on motion unanimously

VOTED: To table consideration of reserve fund transfer request #0533-Centre School Maintenance until receipt of the above-mentioned information.

#0551 - Building Services Custodial - Following consideration, it was on motion unanimously

VOTED: To approve a request for a transfer (#0551) from the Reserve Fund to Account 501-33, Building Services Custodial, in the amount of \$500.00, to provide money to hire one man as Custodian, Step 1, for four weeks, due to the extended illness of one of the permanent custodians.

Hawkers and Peddlers

Present: Francis E. White, Sealer of Weights & Measures

The Board received a communication, dated January 10, 1974, from Francis E. White, Sealer of Weights & Measures, which suggested to the Board the possibility of adopting rules and regulations relative to hawkers and peddlers under Chapter 101, Sections 5 and 27.

The Board also received a related communication, dated January 14, 1974, from John J. Drum, 44 Country Village Lane, which requested that the Board adopt regulations concerning the use of sound amplifiers on vehicles that are used for peddling of ice cream products on Town public ways.

It was agreed that the proposal be referred to Town Counsel for exhaustive study, including the necessity of licensing, in addition to the State requirement, by all towns in which the peddler operates.

Following discussion, it was on motion unanimously

VOTED: To direct the Town Counsel, following a meeting with the Sealer of Weights & Measures, the Board of Health, and the Police Chief for receipt of their input, to make a comprehensive study concerning the possibility of adopting rules and regulations relative to hawkers and peddlers under Chapter 101, Sections 5 and 27; and it was further

VOTED: To direct the Executive Secretary to respond to Mr. Drum's above-mentioned communication, indicating that Town Counsel, the Sealer of Weights & Measures, the Board of Health and the Police Chief will report back to the Board within one month relative to the possibility of adopting rules and regulations in regard to hawkers and peddlers.

P.R.I.D.E

Present: Francis E. White, Zoning Enforcement Agent

The Board received a letter dated January 14, 1974, from Victor P. Mangini, President of P.R.I.D.E. relative to violations of Article IX, V, E of the Bylaws on the Post Road, and a communication, dated January 17, 1974, in response, from the Zoning Enforcement Agent.

Mr. White stated that following a review of the Boston Post Road and other commercially zoned areas in the Town, he had found only one location existing that could have any connection with the above-mentioned bylaw.

The Board directed the Executive Secretary to respond to Mr. Mangini's communication, indicating the Board's desire to correct any insufficiency in the bylaw which allows a continuing violation and that the matter will be taken under advisement, requesting that they communicate more specific information concerning the violations to the Zoning Enforcement Agent, so that he may then report back to the Selectmen.

Minutes

The Board voted unanimously to approve the minutes of the regular meeting of January 7, 1974, as amended, the regular meeting and the executive session of January 14th, the former as amended.

It was agreed to hold consideration of approval of the executive session of January 7th, pending a report from Town Counsel. The Board requested that an addendum to the minutes of the regular meeting of January 14th be submitted for approval.

Registration Sessions - 1974 Annual Town Election and Town Meeting -
Annual Regional School District Election

The Selectmen received a communication, dated January 4, 1974, from the Town Clerk, Betsey M. Powers, regarding the following subjects:

1. Selectmen approval of registration sessions scheduled by the Board of Registrars.
2. Establishment of polling places and hours for the 1974 Annual Town Election and Town Meeting.
3. Combination of the Annual Regional School District Election with the Annual Town Election of Sudbury.

Following discussion, it was on motion unanimously

VOTED: To accept the request and recommendation of the Town Clerk in the matter of approving the registration sessions voted by the Board of Registrars as follows:

Thursday, February 21, 7:00 - 9:00 p.m., Town Hall

Thursday, February 28, 11:00 a.m. - 1:00 p.m., Lincoln-Sudbury
Regional High School

Thursday, February 28, 7:00 - 9:00 p.m., Town Hall

Saturday, March 2, Noon - 10:00 p.m., Town Hall

Tuesday, March 5, 9:00 a.m. - 10:00 p.m., Town Hall

It was further

VOTED: To set the 1974 Town Election for the four (4) precincts in Sudbury for Monday, March 25, 1974, from 7:00 a.m. - 8:00 p.m. in the Peter Noyes School,

and it was further

VOTED: To set the opening session of the 1974 Annual Town Meeting for Monday, April 1, 1974, at 8:00 p.m., in the auditorium of the Lincoln-Sudbury Regional High School.

It was further

VOTED: 1) that the Annual Regional School District Election shall be combined with and held as part of the Annual Town Election of Sudbury;

- 2) that the ballot for the Annual Regional School District Election shall be included with and prepared as part of the ballot for the Annual Town Election; and
- 3) that the listing of the offices shall be the same as set forth in the Warrant for the Lincoln-Sudbury Regional District School Committee election and shall be printed as the last office on the ballot.

Auctioneer License

The Board received a communication, dated January 3, 1974, from James L. Thelen, Staff Appraiser, Suffolk Franklin Savings Bank, which requested that he be issued an auctioneer's license.

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

VOTED: To grant James L. Thelen to be an auctioneer at 11 Dudley Road in Sudbury to sell at public auction any goods or chattels, real or personal property, upon payment of a license fee in the amount of \$2.00. Said license shall expire on December 31, 1974, unless sooner revoked or suspended for violation of laws relating to licensing of auctioneers and the conducting of auctions in the Commonwealth of Massachusetts.

1974 Annual Town Meeting Articles

Present: Lael Meixsell and Peter Scott of the Conservation Commission; Eben Stevens, Jane Gillespie, and Edward Connors of the Planning Board; and Arthur Harding, Town Surveyor.

Members of the Conservation Commission and the Planning Board met with the Selectmen for the purpose of discussion relative to the following articles:

Article 16 - Amend Zoning Bylaw, Art. IX, Sec. I, G, Flood Plains -

Mr. Meixsell stated that the Commission had mapped an additional 5% of Sudbury's acreage during 1973 which they wished to incorporate into the flood plain zoning section of the bylaw. Mr. Meixsell stated that the Commission's criteria for selection of the additional wetland were:

1. presence of surface water at time of inspection;
2. presence of vegetation of the type which grows only in wet areas;
3. presence of peat deposits located through soil testing.

Selectman Powers asked how many acres and lots, presently fully taxed, would fall into this new flood plain zoning which, if passed, would not then be fully taxed because of reduced assessment.

Mr. Stevens, Chairman of the Planning Board, stated that he did not know, that there had been no determination to see how many lots would be affected. Mr. Stevens stated that the Conservation Commission had drawn lines on maps delineating wetlands, have scheduled two hearings for citizens to agree or to disagree with the delineations, and will then make recommendations finalizing maps to be voted at Annual Town Meeting, utilizing input from the Planning Board following its review of the same.

Selectman Powers questioned the definition of flood plain zoning, stating that the article proposes to amend the present flood plain zoning bylaw, but that this wetland has nothing necessarily to do with flooding, and that by the same definition there are sections of Nobscot Mountain which would be subject to periodic flooding.

In response to Selectman Powers' question, Town Counsel and Mr. Meixsell stated that, technically, this would be correct. Mr. Meixsell further stated that if an area is flooded every fifty years this constitutes periodic flooding and that these areas are not necessarily areas of permanent standing water.

Mr. Meixsell stated that as a test for an area to be considered as wetlands, the Commission had inspected areas that are known to be wet or that people remember as having been flooded. Mr. Meixsell also stated that the Commission, in considering the conservation of wetlands, explored their affect of sewage disposal, their affect on water supply, and their affect on flood protection. Mr. Meixsell added that the Highway Commission is planning for a \$2,500,000 - \$3,000,000 program to install a master drainage system for the Town which will protect the Town for 20-year floods, but not for 50- or 100-year floods, and that if this wetland is lost, the master drainage plan might not protect us for 5-year floods, (information from the Highway Commission and their consultant on the drainage study). Mr. Meixsell, in response to a question, stated that he did not know the scope of service to be rendered under the master drainage study contract.

Selectman Powers questioned whether or not the Conservation Commission had determined the economic impact of this zoning on the Town as it pertains to a decrease in value to some landowners whose developable lands fall within this additional wetland, an increase in value to other landowners whose developable land does not fall within the additional wetland area, and the decrease in the collection of tax money to the Town because of the reduced assessment of lots which would fall within this additional wetland. Selectman Powers also stated that the proposed zoning would include all of the remaining industrial areas off Union Avenue.

Mr. Meixsell stated that the Commission was aware of problems with septic systems in the Union Avenue area and that perhaps the Commission was not so wrong in saying that these areas need special attention when developed.

In response to questions concerning criteria for definition of wetlands, Mr. Meixsell responded:

1. There are about a dozen people spending a great amount of man hours making inspection for standing water. (Selectman Powers requested that list of inspectors be submitted to the Board, and Mr. Meixsell stated that he would also supply the number of man hours.)

2. Vegetation - observation of certain types of vegetation known to exist in wetlands as listed in material prepared by the University of Massachusetts - this list was used but not to the exclusion of other criteria. There are no botanists on the Commission, but Mrs. Reed and Mrs. Harris are biologists.

3. Peat - location of peat deposits following twenty to thirty borings.

Mr. Meixsell stated that wetlands in two-thirds of the Town's area have been included under the existing and proposed wetlands, with one-third of the Town remaining to be done. When asked why the Commission did not postpone the article until the total package was completed, Mr. Meixsell stated that they would prefer to include the areas mapped at this point, as next year they might not have the manpower available.

The past history of flood plain zoning was then reviewed, beginning with the zoning of all areas in the Town at or below 125 feet above mean sea level, including the Sudbury River and main streams in 1962, lower Hop Brook in 1970, and upper Hop Brook in 1973.

Selectman Taft commented that he would like to encourage the Commission, before further discussions are held relative to the proposal, to obtain an area determination of what is already zoned as flood plain listed above and the area in the present proposal. Selectman Taft also requested that the Conservation Commission identify all affected landowners, investigating the number of house lots involved and whether or not the landowners have already taken advantage of the floodable nature of their land in regard to their property assessment.

Mrs. Gillespie stated that on the subject of landowners, in her opinion, the recently mailed pamphlet addressed to "boxholder" did not constitute proper notice.

Mr. Meixsell stated that it was the responsibility of the Planning Board to notify individuals whose lots will be affected, and Mrs. Gillespie stated that until the present maps are correlated with the assessors' maps for accuracy and identification of affected landowners is made, the Planning Board finds it impossible to make such notification.

Chairman Toomey suggested that the Conservation Commission discuss the proposal with the full Board of Water Commissioners for their reaction.

Mr. Stevens stated that the Planning Board would only support a proper proposal, that its main concern is the accuracy of the maps and the standards on which they were drawn, and that it is the Board's position that the proposal should be based on maps which are accurate and can withstand direct criticism.

Article 19 - Amend Zoning Bylaw, Article IX, Sec. IV -
Wetland Minimum Lot Size -

Mr. Stevens stated that passage of Article 19 would affect the way in which land could be developed, principally affecting the number of lots a person could utilize in future subdivisions. Mr. Stevens stated that no analysis on a lot-by-lot basis had been made concerning the impact of passage of both Article 16 and Article 19, and Mrs. Gillespie added that much more work is needed at the present time.

Chairman Toomey stated that this information should be part of the package available at Town Meeting.

Selectman Powers stated that the Planning Board had included in the warrant requests for an amendment to the Official map of the Town (Article 26), a hydrological and geological study (Article 27), and the hiring of a consulting firm relative to a transportation and land use plan (Article 28), and questioned whether the input from the results of the study could benefit the Conservation Commission if they delayed their request for additional wetland zoning.

Mr. Stevens responded that passage of their hydrological study request would so benefit the Conservation Commission.

Chairman Toomey stated that the Board of Selectmen and the Planning Board have brought up questions that should be resolved before Town Meeting.

Article 11 - Whitman Land -

The Executive Secretary stated that Article 11 - Acquire Whitman Land remains in its present form. Mr. Thompson reported that the Conservation Commission has contacted the State and has been notified that the Commission's application through the State's Self-Help program would receive a high priority.

Mr. Thompson stated that this parcel is on the open space plan although it is not in the long-range capital expenditure plan.

Article 12 - Davis Land -

The Executive Secretary reported that the money figure for this article was \$251,600, but that this figure does not include money for the right-of-way. Mr. Thompson stated that these two parcels do not appear in the Commission's long-range expenditures plan or their open-space plan.

Article 13 - Acquire Hulbert Land, Nobscot Mountain and
Article 14 - Acquire Land bordering Bowditch and Boston Post Roads -

The Executive Secretary stated that these two parcels do not appear in the long range plans dated 1970, but have been under discussion for the past six months.

Chairman Toomey questioned the Conservation Commission as to whether it had given any thought to including funds for patrolling these areas if they are acquired, as discussed at an earlier meeting. Mr. Scott stated that the Commission has considered a land manager and had requested funding for the same as part of their budget, but that the item was deleted by the Finance Committee. Chairman Toomey requested that Messrs. Meixsell and Scott obtain from the full Commission, a consensus concerning whether monies for a patrolling service should be requested at Town Meeting through amendment to the Conservation Commission's the Police Department's, or the Fire Department's budget. Chairman Toomey further stated that this matter should be further discussed and the point resolved before Town Meeting.

Appointment

Acting on the nomination set forth in a communication, dated January 5, 1974, from the Historic Structures Commission, and on the recommendation of the Historic Districts Commission, as set forth in a communication, dated January 17, 1974, it was on motion unanimously

VOTED: To appoint N. Cornell Gray, 4 King Philip Road, to the Historic Districts Commission, for a term to expire on April 30, 1979.

Billiard Tables - Fees

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

VOTED: To set the annual fee for the operation of pocket billiards at \$8.00 per table and to set the annual license fee for said operation at \$5.00, in accordance with General Laws Chapter 140, Section 202.

Tax Reform

The Board received a communication dated December 28, 1973, from the City Council in Pittsfield, Massachusetts, relative to a resolution adopted by that City Council requesting the Governor and State Legislators to give comprehensive tax reform top priority in 1974.

On the recommendation of the Executive Secretary, the Board agreed to endorse the spirit of the letter and directed the Executive Secretary to send an appropriate letter to the Governor and to the Great and General Court, with a copy to the Pittsfield City Council.

Massachusetts Selectmen's Association

The Board received a communication, dated January 7, 1974, from the Town of Needham, which stated that the actions of certain members of the Massachusetts Selectmen's Association's Executive Board constitute a complete breach of faith with the membership and the sentiments of the convention held in Hyannis last October, and that until this group supports the duly elected officers, Needham shall withhold the payment of dues. Their communication also encouraged all incumbent Selectmen to take a similar position.

The Board endorsed the spirit of the letter and had taken similar action at their January 7th meeting.

The Executive Secretary was directed to forward a copy of the Board's letter on the subject to the Needham Board of Selectmen.

American National Red Cross - Community Bloodmobile

The Board received a communication, dated January 18, 1974, from Mrs. Nancy Taft, Sudbury Coordinator, Red Cross Bloodmobile, scheduled to be held at Our Lady of Fatima Church on Wednesday, February 6, 1974, and Thursday, February 7, 1974, in which she requested that the Selectmen allow time off from work for Town employees wishing to donate blood. The Selectmen authorized the Executive Secretary to use his discretion on administering time off relative to this matter and to encourage members of the fire and police departments to make their donations following their shifts to prevent the need for calling in extra coverage.

Town of Northborough

The Board received a communication, dated January 17, 1974, which requested that the Board insert an article in the warrant for the 1974 Annual Town Meeting toward a joint effort by all municipalities toward allowing local control of approximately 70% to 80% of a school budget, without sacrificing the quality of education.

The Board directed the Executive Secretary to respond to the communication stating that the warrant for our Annual Town Meeting is closed, but it is anticipated that the matter can be presented to the Town Meeting in the form of a resolution.

Council on Aging

The Executive Secretary reported that Col. Leahy, Chairman of the Council on Aging, had requested that the Selectmen, through their offices, work to reduce the dangerously iced condition of the areas in front of the First National and Star Market shopping areas.

Chairman Toomey suggested that the Highway Department run a sand truck through the driveway areas, and the Executive Secretary was directed to contact the Highway Commission in this regard.

Area Meetings

The Executive Secretary announced the following area meetings. Massachusetts Aeronautics Commission and the Department of Public Works will hold a public meeting on Thursday, February 7th, at 1:30 p.m. at Framingham Town Hall. Subject - Proposed Airport System Plan for the State. Middlesex County Commissioners and the Walden Pond Restoration Committee will hold a public meeting on Tuesday, January 22nd at 8:00 p.m. at Emerson School, Concord. Subject - future development and restoration of Walden State Park Reservation. The Massachusetts League of Cities and Towns will hold public meetings at the Sheraton Motor Inn in Lexington on January 22nd and at the Howard Johnson's Motor Inn, in Worcester, on January 24th. Subject - Special Education Act (Chapter 766) and Energy Crisis Conferences.

Executive Session

At 11:00 p.m. the Board 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 and the reputation of any person.

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

VOTED: To adjourn the meeting at 11:50 p.m.

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