

IN BOARD OF SELECTMEN
MONDAY, JULY 29, 1974

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

The statutory requirements as to notice having been complied with, the meeting was called to order at 7:00 p.m. by Chairman John C. Powers.

Conservation Commission - Interview Candidates

Present: Joseph Tratnyek and Olga Reed of the Conservation Commission; Lael Meixsell, present member and candidate for reappointment; Donald Peirce, candidate for appointment.

Mr. Tratnyek and Mrs. Reed met in joint session with the Board for the purpose of interviewing Lael Meixsell and Donald Peirce for possible appointment to the Conservation Commission.

The Board had previously received a communication from Mr. Meixsell dated July 22, 1974, which set forth his qualifications for reappointment to the Conservation Commission, as well as his past participation and service on associated regional committees.

In response to a question relative to his activity in connection with the recruiting of associates for work in the Commission's water resources management, Mr. Meixsell stated that volunteers, who responded to public invitations to participate in such work, had developed procedures which have been used as models by other towns, the Audubon Society, and by the Massachusetts Association of Conservation Commissions, and have now become a trained reservoir of prospective Commission members.

As a member of associated regional committees, Mr. Meixsell stated that he had participated in successful negotiations with the Army Corps of Engineers to have certain federal lands declared excess (filter beds on Lake Cochituate).

Mr. Meixsell estimated that he spends between ten and twenty hours per week in his current capacity on the Commission.

Chairman Powers reviewed Mr. Peirce's statements made at the Board's meeting on February 19, 1974, at which Mr. Peirce was interviewed relative to possible appointment to the Conservation Commission.

Mr. Peirce, in response to questions from the Board, now made the following comments:

He is presently on the Board of Directors of the State Farm Bureau, on the Board of Directors of the Farmers' Live Animal Exchange, and is involved with several other organizations in various capacities.

He has been a resident of Sudbury since 1967 and became, in 1973, sole owner of a commercial rose business with which he has been associated since 1952.

He is of the opinion that the Conservation Commission should not pursue acquisition of land for the sake of the land itself or of land which cannot be used--that land acquired by the Commission should be put to use, and, if possible, made to pay for itself.

He is of the opinion that an arbitrary elevation figure should not be set, below which land should be defined as wetland, as the character of the land at the same elevation varies throughout the Town.

Mr. Peirce stated his availability to the Commission as a member between 2:00 p.m. - 7:00 p.m. in addition to the regular evening meetings.

At the conclusion of the interviews, it was on motion unanimously

VOTED: To enter into executive session with Mr. Tratnyek and Mrs. Reed for the purpose of further discussion relating to all candidates for appointment.

Utility Petition 74-4, Boston Post Road/Old County Road

Present: Robert Blake of Boston Edison Company; 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.

UP74-4 - 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 ways:

BOSTON POST ROAD at and southerly from Old County Road, a distance of 15 feet - Conduit

OLD COUNTY ROAD at and northeasterly from Boston Post Road, a distance of 100 feet - Rebuild Manhole and Conduit

The Executive Secretary reported that the Board had received a report dated July 26, 1974, from the Wiring Inspector, and a report dated July 24, 1974, from the Power and Light Committee, both of which recommended approval.

In response to a question from the Board, Mr. Blake stated that the pavement on the Boston Post Road will not be opened -- that installation will be made in the unpaved area of the right-of-way.

Mr. Blake also reported that the new feed cable to the Wayland line is independent of the Sudbury Old County Road circuit.

Following discussion, it was on motion unanimously

VOTED: To approve the above-mentioned petition as submitted by the Boston Edison Company.

Site Plan Application #74-133 - Saxonville Wholesale Lumber Warehouse Company, 30 Union Avenue

Present: Francis E. White, Zoning Enforcement Agent; Douglas Webb, applicant; Bruce M. Stamski, engineer.

The Zoning Enforcement Agent submitted to the Board the site plan for Saxonville Wholesale Lumber Warehouse Company and stated that all abutters had been notified of tonight's meeting for consideration of the site plan.

The Executive Secretary reported that the Board had received a report from the Building Inspector, dated July 9, 1974, which recommended approval, and a report, dated July 18, 1974, from the Planning Board, which recommended approval with the Board's consideration of future outside storage space and approval under the Wetlands Protection Act.

In response to questions, Mr. Webb stated that his proposed operation will be serviced by approximately 350 rail cars per year, and three to five daily deliveries from tractor trailers during the busy season, with trailers departing between 7:30 - 9:30 a.m. and again at noon. Mr. Webb stated that surface drainage will flow in a southerly direction to the existing drainage ditch.

Town Counsel, commenting on the considerations in the Planning Board's letter, stated that the Board can approve all except references on the plan marked "future" and that approval is subject to formal approval by the Board of Health.

The Zoning Enforcement Agent stated that the only sign in connection with the operation will be an addition to the existing ladder entrance sign at Union Avenue.

Following further discussion, it was on motion unanimously

VOTED: To approve Site Plan #74-133, dated May 13, 1974, from Saxonville Wholesale Lumber Warehouse Company, to be located on Lot #3 in the R.A.D.I.N. subdivision, 30 Union Avenue, said approval to exclude any items shown on the Site Plan as "future", including the expanded outside storage space, which would require a permit from the Board of Appeals, and to be subject to proper approval under the Wetlands Protection Act.

Site Plan Application #74-132 - Kuhlmann, Inc., Boston Post Road

Present: Francis E. White, Zoning Enforcement Agent; John Kuhlmann, applicant; Edward S. Guidoboni, attorney; C. Joseph Grignaffini, architect, and Dean Schofield, engineer, all representing Mr. Kuhlmann; Mr. and Mrs. Edward Sokoloff, Messrs. Eugene Saklad, Gary Tauscher, Joseph Klein, abutters; Mr. Edward Kreitsek, Director the Buddy Dog Humane Society, Inc.

The Executive Secretary reported that the Board had received a report, dated July 9, 1974, from the Zoning Enforcement Agent, which recommended approval, and a report, dated July 18, 1974, from the Planning Board, which offered comments for the Board's consideration and which recommended approval of the site plan.

The Executive Secretary read into the record a second communication, dated July 9, 1974, from the Zoning Enforcement Agent, which questioned the validity of the proposed location of the buffer zone in the residential zone immediately north of the boundary line and suggested that a rigid barrier of some type be installed at the boundary of the business/residential zone, so that turning trucks, using the driveway to the rear of the proposed building, would not extend the driveway into the residential zone.

The Executive Secretary also read into the record a communication dated July 18, 1974, from the Planning Board, which made a similar suggestion relative to installation of a physical barrier at the common boundary zone, raised questions about the proposed sign, and requested an opinion from Town Counsel relating to the definition of a light standard as a structure.

Mr. Kuhlmann, applicant, and Mr. Guidoboni, his attorney, presented plans of the proposed structure, which would include four double, or eight single retail units (12,302 sq. ft.) and approximately eight professional offices (5,760 sq. ft.) in a two-storied structure 250' in length x 50' in depth x 28'-32' in height, of brick and masonry, with brick and wood exterior finish, front and sides.

In response to the above-referenced communications, Town Counsel stated that light standards do constitute structures and are treated as such by the building code. Town Counsel also stated that there is a 20' buffer zone between the building and the business/residential boundary and, in addition, the applicant has provided for staggered evergreen screening to the north of a six-foot stockade fence as a shield from the business zone. Mr. Turner stated he was in agreement that some type of physical barrier be imposed to prevent encroachment onto the residential land and suggested that the outside lighting be shielded so as not to glare onto the residential area.

On the subject of lighting, Mr. Kuhlmann stated that he was prepared for alternative placement of the light standards to the front of the building and that shields could be put on the house lights attached to the rear of the building or the lights could be placed on stanchions which would be shorter than the stockade fence.

Messrs. Edward Sokoloff, Eugene Saklad, Gary Tauscher, abutters, spoke in favor of the proposal, commenting on the cooperation they had received from the applicants.

Mr. Edward Kreitsek, speaking as Director of the Buddy Dog Humane Society, previous owner of the site, commented that the Society was pleased to turn their site over to Mr. Kuhlmann. Mr. Kreitsek also commented that he disagreed with Town Counsel's interpretation of light standards as structures. In this regard, Mr. Taft referenced Bylaws Section IV, C, 3, c.

There was no opposition to the proposal.

Mr. Joseph Klein, abutter, mentioned the importance of visibility for access and egress and suggested that the applicant maintain low shrubbery close to the street. Mr. Kuhlmann was in agreement.

Mr. Sokoloff, commenting on past performance by other businesses in that area relative to installation of required screening, asked whether the Board could, in its approval, impose a restriction that the Certificate of Occupancy not be issued until the screening requirements were fulfilled.

Following further discussion relative to incorporation into the plan of matters discussed tonight, it was on motion unanimously

VOTED: To lay the matter on the table until August 12, 1974.

Sudbury Taxpayers Association - Petition -- Special Town Meeting

Present: Martin Doyle, Ira Potell, Joseph Klein, Myron Peskin, and several other members of the Sudbury Taxpayers Association.

Members of the Sudbury Taxpayers Association met with the Board to present a petition "to avoid a Special Town Meeting called to further consider articles which were postponed or otherwise defeated once at the last Annual Town Meeting" and "to petition all Town boards and committees to refrain from submitting articles until the next Annual Town Meeting".

Mr. Doyle stated that the Association had submitted the petition through the Town Clerk and the Board of Registrars and referred to a letter he had received from the Board of Registrars, dated July 26, 1974, attesting to its submittal on July 22, 1974.

Chairman Powers, on behalf of the Board of Selectmen, accepted the petition. Chairman Powers expressed the Board's thanks to the 597 signatories of the petition and made a statement, on his own behalf, asserting that the Board, in accordance with its oath of office, cannot prevent the calling of a Special Town Meeting to discuss any matter if that call is by petition in the statutory form, but that he as a member of the Board of Selectmen would not support the non-petition call of a Special Town Meeting to consider any article defeated by the Annual Town Meeting. Chairman Powers continued, stating that an article indefinitely postponed is not an article defeated when so moved by its author, but is one in which there has been no presentation, no debate, and no direction. Chairman Powers further stated that the Board has been directed by Town Meeting vote to proceed with plans for the Police/Fire Headquarters, that money has been spent on plans and land for this proposal, and that further delay will be increasingly inflationary.

Chairman Powers took exception to the unfair response from the petitioners and the press following the Board's June 22nd meeting.

Mr. Doyle expressed the Taxpayers Association's concern that once a Special Town Meeting is called, many boards and committees will submit special articles with a resultant rise in the tax rate, and discussion followed.

Mr. Doyle requested that in the event a Special Town Meeting is called, the Board attempt to limit the Meeting as much as possible.

The Board agreed that this was a valid request and thanked the members of the Sudbury Taxpayers Association for their attendance this evening.

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 Sandra Welch, 311 Hudson Road, for incorporation under the name of the International Cosmic Council, Inc., to be located in the Town of Northborough.

Police/Fire Headquarters

Town Counsel reported that following review of the construction specifications document for the Police/Fire Headquarters, as to form only, he had requested that several changes be made, as set forth in his communication dated July 26, 1974 to the Permanent Building Committee.

The Executive Secretary stated that the document had been transmitted to Town Counsel for his review as to legal form only, and

that once these changes are incorporated, it will be submitted to the Permanent Building Committee and the Selectmen for final review.

The Board received a communication dated July 26, 1974, from the Permanent Building Committee which stated that the architect expects to go out for bids during August so that the sub-bids are returned by September 11 and the general bids are returned by September 18, suggesting that a Town Meeting be scheduled prior to October 18, 1974, as the bids will be valid only thirty days.

Town Counsel stated that the bids would be honored for a period of thirty days, excluding Saturdays, Sundays, and legal holidays and assured the Board that the timing will fall within the framework if consideration for calling a Special Town Meeting were determined by the middle of August.

The Executive Secretary stated that there will be a second contract document, to be included with the one reviewed by Town Counsel, to complete the proposal as it will be sent out to bid.

The Selectmen requested the Executive Secretary to have the Permanent Building Committee make available to the Board copies of the entire bid document for its review, following which a meeting will be held with the Permanent Building Committee - if possible, on August 5th.

It was on motion unanimously

VOTED: To endorse the changes recommended by Town Counsel in his July 26th communication to the Permanent Building Committee and to direct the Executive Secretary and Town Counsel to procure bid documents and specifications prior to the advertisements for bid.

Civil Defense Emergency Operation Plan - Regional High School

The Board received a communication dated July 22, 1974, from David L. Levington, Superintendent of the Lincoln-Sudbury Regional School District, relative to student participation in the Civil Defense Emergency Operation Plan.

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

VOTED: To endorse the proposal put forth by Superintendent Levington and to direct the Executive Secretary to express the Board's appreciation for the Town Government class' willingness to participate in this program.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting of July 22, 1974 and the executive session of July 22, 1974, the former as amended.

Executive Session

At 10:30 p.m., it was on motion unanimously

VOTED: To enter into executive session for the purpose of discussing and voting on appointments for 1974.

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

VOTED: To adjourn the meeting at 11:30 p.m.

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