

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 4, 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 7:30 p.m. by Chairman John C. Powers.

Jurors

Present: Betsey M. Powers, Town Clerk

The Board drew the names of Brantley P. Weathers, 28 Pondview Road, to serve as juror at Lowell Court, and Burleigh Cruikshank, Jr., 12 Sylvan Way, and David M. Wales, 58 Old Coach Road, to serve as jurors at Cambridge Court, commencing December 2, 1974.

Site Plan #74-138, E. Verrill, A School for Special Learning
98 Haynes Road

Present: Zoning Enforcement Agent Francis E. White; Elizabeth Verrill, Jane Jakus, and J. Arnold Midwood, of A School for Special Learning, Roger Vacco, Attorney

The Board, on October 21, 1974, considered the site plan application #74-138, of Elizabeth Verrill, A School for Special Learning, for location at 98 Haynes Road. On that date the Board voted to defer further consideration of the matter until 7:30 p.m., November 4, 1974, to allow for receipt of additional information from Town Counsel relative to:

- 1) the alleged tax exempt status of the School and the corresponding relevancy to local zoning and building bylaws;
- 2) significance of Chapter 40A relating to the School's alleged exemption from Board of Appeals control; and
- 3) local impact relating to alleged tax exempt status if present property is removed from the tax rolls.

Chairman Powers now read Town Counsel's communication, dated November 1, 1974, on the subject, which set forth the following opinions:

- 1) Board of Appeals requirements concerning educational uses do not apply in this case as the usage is exempted under G. L. c 40A, § 2.
- 2) site plan requirements in the Sudbury Zoning Bylaw must be observed by the School for Special Learning because the site plan provisions allow for no change in the use of the land;

3) A School for Special Learning falls within the educational use exception forth in G. L. c 40A § 2 and, therefore, the property is available for the proposed school;

4) the Board of Appeals can, upon proper application and sufficient facts, take action to negate an existing variance and permit for the property, as recommended by the Zoning Enforcement Agent in his communication dated October 1, 1974.

5) the School property may be exempt from real estate property taxes; however, a determination concerning the taxability of the property can only be made by the Board of Assessors after the filing of the necessary forms and documentation required by law; and

6) all building and safety codes governing the construction reconstruction and alteration of any such structures apply and must be observed.

The Board directed the Executive Secretary to forward to the Board of Appeals, for their information, the above-referenced communication from Town Counsel and the communication, dated October 1, 1974, from the Zoning Enforcement Agent relative to the possible elimination of the above-referenced permit and variance.

Miss Jakus stated that the School would make available, yearly, a seat for a Sudbury child, who will be selected by the School from recommendations by Mr. Carl Ellery, Assistant Superintendent of Sudbury schools.

Following further discussion and a review of the plan, it was on motion unanimously

VOTED: To approve the site plan dated September 17, 1974, of Elizabeth Verrill, A School for Special Learning, for location at Haynes Road, as drawn by Cambridge Seven Associates, Inc.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting and the executive session of October 30, 1974, as submitted.

The American Legion Post 191 - Extension of Beverage Serving Hours

In response to a communication, dated October 30, 1974, from Ronald J. Griffin, President/Manager, Post 191, The American Legion, it was on motion unanimously

VOTED: To extend the hours of alcoholic beverage service at

the American Legion Post 191, on Saturday, November 9, 1974, from 12 Midnight until 1:00 a.m. on Sunday, on the occasion of the Legion's annual installation of new officers.

1947 International Truck - Transfer

At the request of the Fire Chief, in a communication dated October 25, 1974, it was on motion unanimously

VOTED: To transfer the 1947 International tank truck from the Fire Department to the Highway Department, inasmuch as it is no longer required by the Fire Department;

and it was further

VOTED: To thank the Interstate Gas & Oil Corporation of Sudbury for the donation of a 2,000 gallon tank which the Fire Department is using on the Civil Defense truck for fire fighting purposes.

Resolution - Marian Y. Hall

It was on motion unanimously

VOTED: To pass a resolution in honor of Marian Y. Hall on the occasion of her retirement from her active role as one of the Town's most noted professional businesswomen.

Raymond Land - Septic and Restroom Facilities

It was on motion unanimously

VOTED: That the Park and Recreation Commission proceed with its plans for construction of septic and restroom facilities on the Town-owned Raymond land near the elderly citizens' park and the tennis courts, with the understanding that, in the event of a water supply emergency and upon the proper application and vote of the Town, the usage of the site for a well would become the primary land use.

Appointments

Upon the recommendation of Paul J. Leahy, Chairman of the Council on Aging, in a communication dated October 3, 1974, it was on motion unanimously

VOTED: To appoint George D. Seale, 120 Old Lancaster Road, to the Council on Aging, for a term to expire on April 30, 1977, to fill the existing vacancy occasioned by the resignation of Clifford A. Card;

and it was further

VOTED: To table, temporarily, consideration of Sudbury's designee to the Massachusetts Bay Transportation Authority (MBTA).

Later in the evening the Executive Secretary was directed to arrange for a Board interview with a candidate proposed for this appointment.

Interviews - Town Report Preparation Committee Candidates

Present: Linda Buxbaum, Alan Erskine, Burt Mader, Victor Neumeier, Nancy Hansen, Nancy Schwartzman

The Board met with Mesdames Buxbaum, Schwartzman, and Hansen and Messrs. Mader, Neumeier, and Erskine, relative to their possible appointment to the Town Report Preparation Committee.

Mrs. Buxbaum, a member of the 1973 Town Report Preparation Committee explained the Committee's work load and time schedule.

In brief interviews, each candidate described his background experience and particular area of interest in the work of the Committee.

Mr. Mader, a commercial artist, expressed his interest in working as an art director and in the selection of type.

Mrs. Schwartzman and Mrs. Hansen stated that their major work experience has been in research and writing and that this area is their primary interest.

Mr. Neumeier, a photographer, stated that this field was his major interest.

Mr. Erskine, a committee member of the 1973 Town Report Preparation Committee stated that his chief field is in public relations and that he has served several local corporations in this capacity and has participated in these corporations' annual reports.

The Board thanked the candidates for their interest and participation in the interviews and offered their offices to Committee members for whatever assistance could be given.

The Executive Secretary reported that not all invited candidates had been able to attend tonight's meeting, and the Board requested that he schedule interviews with additional candidates at the November 11th meeting.

Continued Hearing - Application for License to Store Inflammables Underground - J.P. Bartlett

Present: Francis E. White, Zoning Enforcement Agent; John P. Bartlett, applicant; Donald Peirce

The Board, on September 30th, held a hearing, continued on October 16, 1974, on the application of John P. Bartlett for a license to store inflammables underground, 500,000 gallons #4 - #6 heavy fuel oil, on property located at 578 Boston Post Road. On October 16, 1974, the Board voted to table further consideration of the above-referenced application to enable Mr. Bartlett to proceed with Department of Public Safety requirements and the Board to contact Commissioner Kehoe relative to the processing of the application.

The Executive Secretary now reported that the Board had since received a communication dated October 29, 1974, from the Fire Chief, certifying approval of the twelve underground existing steel tanks; a communication dated October 29, 1974, from John K. Olsen, Supervising District Engineering Inspector, Department of Public Safety, indicating that Department's intention to issue a permit for the proposed concrete tank upon the completion of all required and approved plans, including a dike plan; copies of oil storage plans, including a dike plan; and a report from Earle F. Littleton, P.E., relative to the safety of the proposed cement tank.

Mr. Thompson stated that Mr. Olsen had been unable to attend tonight's meeting, as requested by the Board at its October 30th meeting, but that Mr. Olsen had indicated that, under General Laws, Chapter 148, Section 13, town approval is required prior to State approval.

Mr. Thompson continued, stating that he, the Zoning Enforcement Agent, and Mr. William C. Connelly, an inspector from the Department of Public Safety, had viewed the concrete storage tank with Mr. Bartlett, Mr. Littleton, and Ernest Schofield, at which time Mr. Connelly stated that the State could not react until they saw the plans and the report from Mr. Littleton, and that plans should be approved locally before the State acted upon them.

Mr. Bartlett stated that Mr. Connelly would be at the site at 10:30 a.m., November 5th, to take a reading for a water pressure load test, and that a second reading would be taken a few days later to determine the degree of settlement of the tank.

In response to a question from the Board, the Zoning Enforcement Agent stated that he would not issue a building permit for the storage structure until State approval is given.

Following further discussion, it was on motion unanimously

VOTED: To approve and issue a license for the storage of #4 - #6 fuel oil, inclusive, up to a maximum of 212,217 gallons, in twelve or less underground steel tanks, as approved in a letter and attached tank plan layout, dated October 29, 1974, from the Sudbury Fire Chief; and it was further

VOTED: To approve, in addition, the storage of #4 - #6 fuel oil, inclusive, up to a maximum of 372,000 gallons, in both above- and below-ground concrete tanks, all as either described or shown on the following documents:

1. a letter dated October 29, 1974, from John K. Olsen, Supervising District Engineering Inspector, Massachusetts Department of Public Safety;
2. a report dated October 24, 1974, from Earle F. Littleton, P.E.;
3. a plan marked "Exhibit #1", entitled "Heavy Fuel Oil Storage - P.L.M. Corp." dated September 10, 1974;
4. a plan marked "Exhibit #2, entitled "Concrete Oil Storage Tank - P.L.M. Corp.", Sudbury, Massachusetts, dated October 17, 1974; and
5. a plan marked "Exhibit #3", entitled "Dike Plan (Amended) - P.L.M. Corp.", dated October 31, 1974.

all said storage of oil to be for private use and not for re-sale, said license to be nontransferable and issued, hereby, to the owners of the property, John P. and Dorothy M. Bartlett and/or P.L.M. Corporation, located on the Boston Post Road, Sudbury, Massachusetts and shown on the Assessors' Atlas as Parcel 032082, with the use to be restricted to agricultural and the raising of nursery stock or plant purposes, with the issuance of the above said license being subject to the approval of the Department of Public Safety under General Laws, Chapter 148, Section 37.

Board of Health

Present: William J. Cossart and James J. Healy of the Board of Health; John Sullivan, Health Director

Messrs. Cossart, Healy, and Sullivan met with the Board to discuss the following subjects:

Animal Inspector - In response to a request in a communication dated October 17, 1974, from Walter F. Lewis, Director, Division of Animal Health, Department of Agriculture, which notified the Board that Dr. Stuart Wiles had resigned as Sudbury's Inspector of Animals, the Selectmen requested recommendations from the Board of Health for nominations prior to the State's appointment of a replacement Inspector.

The Board of Health members had no nominations at this

time and commented that there had recently been changes in the State law relative to increased duties of Inspectors of Animals. Mr. Cossart suggested that possibly other Town agencies could be used to supplement the work of the Inspector of Animals.

It was agreed, before further action on the matter is considered, to contact Dr. Wiles, asking that if utilization of other Town agencies to handle a portion of the duties of the Inspector of Animals were possible, would he reconsider his resignation.

Trinity Mental Health Center - In response to the Board of Health's communication dated October 17, 1974, and a related communication dated September 19, 1974, from Mr. Anthony Broderick, Sudbury's representative to the Trinity Mental Health Center, in regard to the Town's continued funding of the Trinity Mental Health Center, the Selectmen asked for additional comments on the matter from the Board of Health.

The Board of Health stated that they had met with Mr. Broderick twice, requesting specific revisions in the Health Center's regular reports, but that no requested changes had been made.

Dr. Healy reported that there was a lack of continuity in the reports and that the Board is unable to trace a case history or to check on progress. Dr. Healy also reported that the Board of Health has requested financial and case load reports, which the Center, in their opinion, is either unable or unwilling to provide.

Mr. Sullivan referred to the Board of Health's communication dated December 5, 1973, to Mr. Broderick, which requested specific information.

Dr. Healy stated that the Town of Wayland has the same concern with the Health Center's reports as does Sudbury, and Chairman Powers requested that the Board of Health contact other supporting towns for their reaction.

It was the consensus of the Board to direct the Executive Secretary to investigate the matter for a clarification of program and program problems in the area of support and budget, to check with the schools for their report, and to arrange a meeting with Mr. Broderick.

Board of Registrars

In response to the request of Registrar Miles P. Robinson,

and Town Clerk Betsey M. Powers, in a communication dated November 4, 1974, it was on motion unanimously

VOTED: To designate Harriet B. Boedecker (R) as a Temporary Registrar empowered to act in the absence of Melvin Hodgkins, and Barbara B. Stevens (D) as a Temporary Registrar empowered to act in the absence of Bertram Weinstein, both for November 4 and 5, 1974, only.

Selectmen's Capital Improvement Program 1975-1980

It was on motion unanimously

VOTED: To defer discussion relative to the submission of the Selectmen's Capital Improvement Program 1975-1980 to the Long Range Capital Expenditures Committee on the subject of the Police/Fire Headquarters and Town Hall Renovations.

Highway Commission - Budget Requests

In response to a communication, dated October 7, 1974, from the Highway Commission relative to the Board's input for Highway budget items or requests, the Board authorized the Executive Secretary to respond to the Commission and suggested the following budget requests:

1. curbing around the Common in Sudbury Centre;
2. correction of drainage and repair of pavement in the area around the Loring Parsonage and Town Hall;
3. correction of drainage in the area of the White Building and 276 Old Sudbury Road;
4. specific placement of Bicentennial routing signs for 1975 and 1976; and
5. placement of signs at entrances to Sudbury.

The Board requested that the Executive Secretary express to the Commission the Board's willingness to meet with them on the subject if given a date.

Wayland/Sudbury Septage Disposal Facility

Present: Dr. William Cooper of the Wayland/Sudbury Septage Disposal Planning Committee

Dr. Cooper reported that the Wayland Town Meeting had, tonight, over-whelmingly voted in favor of authorization and funding for a joint Wayland/Sudbury Septage Disposal facility.

Executive Session

It was on motion unanimously

VOTED: To enter into executive session at 10:30 p.m. for the propose of discussion, deliberation, or voting on matters relating to collective bargaining, which, if made public, might adversely affect the financial interest of the Town.

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

VOTED: To adjourn the meeting at 11:40 p.m.

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