

IN BOARD OF SELECTMEN
MONDAY, JULY 28, 1975

Present: Acting Chairman William F. Toomey and John C. Powers

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Acting Chairman William F. Toomey.

Jurors

Present: Betsey M. Powers

The Board drew the names of Robert A. Surro, 71 Horse Pond Road, and Shirley W. O'Reilly, 33 Maynard Farm Road to serve as jurors for the Jury Pool at Lowell Court and Herbert A. Seymour, 34 Church Street, and John B. Perry, 192 Dutton Road, to serve as jurors for the Jury Pool at Cambridge Court, all to commence September 8, 1975.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting and executive session of July 14, 1975, as submitted.

Award Bid - Repowering Engine #3

It was on motion unanimously

VOTED: To confirm the emergency vote of the Board to award the bid for repowering Sudbury Fire Engine #3 to the low bidder, Continental Fire Truck Co. of Hopkinton, Massachusetts, in the amount of \$9,925.00, in accordance with Fire Chief Frost's communication dated July 18, 1975.

Award Bid - Heritage Park - Channel Improvements and Finish Grading

The Executive Secretary reported that the Board had received a communication dated July 15, 1975, from the Town Engineer relative to a recommendation for awarding the bid for Channel Improvements and Finish Grading for Heritage Park, subject to the Town Accountant's confirmation of the availability of the bid amount in the Heritage Park account.

The Executive Secretary reported that a communication dated July 24, 1975, had been received from the Town Accountant which indicated that a balance of \$1,025.40 would remain following a payment of present encumbrances and the award of the bid under consideration.

Following discussion, it was on motion unanimously

VOTED: To accept the bid of Dingley Contracting Co., Inc., 105 E. Main Street, Northboro, in the amount of \$4,897.00, for channel improvements and finish grading in Heritage Park.

Wayside Inn - Lincoln Sudbury Wayside Inn Project

Present: Michael H. Feer, Lincoln-Sudbury Regional Faculty; Francis Koppeis, Innkeeper, Wayside Inn

Mr. Feer and Mr. Koppeis met with the Board to discuss the proposed Lincoln-Sudbury Wayside Farm Project, an alternative educational project at the Wayside Inn.

Mr. Feer reported that approximately six months ago, prompted by a concern for the world's food supply, Innkeeper Frank Koppeis had contacted Lincoln-Sudbury Regional High School to offer the use of property around the Wayside Inn for cultivation and educational purposes.

Mr. Feer stated that the project had received the support of the Lincoln Board of Selectman and the Regional School District Committee and requested that the Sudbury Board of Selectman also support the project and the application of the Regional School District in seeking funds in the amount of \$25,000 for a one-year planning grant for the project. Mr. Feer stated that the funds would provide for the hiring of a project coordinator and one or two part-time assistants for the period September 1, 1975, - September 1, 1976, after which it is assumed that the marketing of produce, maple sugaring, and timbering will make the project self-supporting.

Mr. Koppeis confirmed his offer of land use to the Regional High School and stated that the Trustees of the Wayside Inn have approved the concept of the project, but have not yet voted on a definite plan. Mr. Koppeis further stated that he will receive final authority for the School to use this land this week.

In response to questions from the Board, Mr. Feer stated that the Regional School District Committee had supported the application for a planning grant, that he, on behalf of the Regional School District, will be the applicant, and that the initial application will be to the Ford Foundation.

Acting Chairman Toomey asked what protection would be provided the Wayside Inn to enforce a cease and desist order if the project should not proceed according to plan and the Inn should wish to have the operation discontinued. Acting Chairman Toomey stated that, in his opinion, more information relating to guidelines, etc., should be received or made known before he could vote on this matter.

Mr. Feer was requested to submit a draft form of the application for the Board's review, and he now produced and distributed the same.

Following discussion, it was on motion unanimously

VOTED: To table the matter until August 11, 1975, to allow the Selectmen to review the planning project application draft.

Application for Permit - Suburban Antiques Dealers Association of Eastern Massachusetts

The Board received an application for a permit from Leslie W. Hudson on behalf of the Suburban Antiques Dealers Association of Eastern Massachusetts to hold an outdoor antiques exhibition and sale on property of the Wayside Inn on Saturday, September 20.

Discussion followed relative to the particular wording of the application as it relates to the beneficiary of the sale and the necessity for further clarification of the same, and the Executive Secretary was directed to contact the applicant in this regard.

It was on motion unanimously

VOTED: To continue consideration of the above-referenced permit application until August 11, 1975, to allow receipt of additional information.

Application for Underground Storage - Leonard E. Pike

The Executive Secretary announced that the Board, in executive session on July 14, 1975, had unanimously voted to approve the existing underground storage for Leonard E. Pike at 475-477 Boston Post Road.

Sudbury Housing Authority - HUD Grant

The Executive Secretary announced that the Sudbury Housing Authority had received a telegram from Senator Edward M. Kennedy, which notified that Authority of HUD's approval of a grant in the amount of \$30,756 for their elderly housing project under Section 8, Housing Assistance Payments Program.

Dog Hearing - Nicholson/Langner, Kuras, Hotchkiss

Present: Dog Officer Francis E. White, Assistant Dog Officer Betsy Lawson; Lois Langner, Catherine Kuras, and Elizabeth Hotchkiss, complainants

The Board held a hearing on the complaint of Lois Langner, Catherine Kuras and Elizabeth Hotchkiss against the dogs owned or harbored by Peggy Nicholson, 27 Ames Road, which stated that the dogs were a nuisance by reason of excessive barking.

The Executive Secretary reported that at 3:30 p.m. this date he had been informed by Mrs. Nicholson's attorney that Mrs. Nicholson would be unable to attend tonight's hearing because of serious illness in the family and had, at that time, requested a continuance. Mr. Thompson stated that the matter would be scheduled for August 11, 1975.

Mrs. Langner asked whether it would be possible to take some type of action in the interim to quiet the barking of the dogs during the night, and the Board requested the Executive Secretary to contact the Dog Officer and the Assistant Dog Officer to see if they would, in turn, contact Mrs. Nicholson to request that she exercise as much control over the dogs as possible until the date of the continued hearing.

Following further discussion, it was on motion unanimously

VOTED: To continue the above-referenced hearing until August 11 at a time to be determined by the Executive Secretary.

Petition - Lots 1, 2, 72, 73, 74 Beechwood Avenue

Present: Building Inspector Francis E. White

The Board received a petition on July 16 from residents of Beechwood Avenue, Willis Lake Drive, and Basswood Avenue which requested removal of building materials on property at the intersection of Beechwood Avenue and Willis Lake Drive, which have been stored there since a building permit was issued on March 12, 1973 for construction of a home at that location.

The Executive Secretary reported that he had requested a report on the matter from the Building Inspector and had received the same, dated July 24, 1975, which stated that the property had been formerly owned by Mr. Angelo Zegarelli.

Mr. White reported that the property no longer has a valid building permit as it expired March 12, 1974 and that the property has changed hands several times since it was owned by Mr. Zegarelli.

Mr. Thompson reported that Mr. White had, on July 24, 1975, informed the new owners that the property no longer has a valid building permit and that the construction materials stored on the site constitute a violation of the Sudbury Zoning Bylaws and that Mr. White, in his capacity as Zoning Enforcement Agent, directed them to remove the material forthwith.

Mr. Thompson recommended that he be directed to communicate this letter to the petitioners and that the matter be followed up through the Building Inspector's office.

Following further discussion, it was on motion unanimously

VOTED: To accept the recommendation of the Executive Secretary to work with the Building Inspector toward correction of the violation.

Hearing - Application for License to Operate Billiard Tables - Sudbury Management, Inc.

In accordance with Chapter 140 of the General Laws, the Board held a public hearing on the application of Sudbury Management, Inc., d/b/a J.T.'s Steak House, John L. Trevisani, Manager, to operate two (2) billiard tables on weekdays from 12:00 noon to 12:00 midnight at 120 Boston Post Road, Sudbury.

The Executive Secretary reported that the Selectmen had recently adopted rules and regulations for billiard tables and pinball machines and that the present application is a result of the distribution of the same.

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

VOTED: To approve the license for Sudbury Management, Inc., d/b/a J.T.'s Steak House, 120 Boston Post Road, Sudbury, to operate two (2) billiard tables weekdays from 12:00 noon to 12 midnight, to expire April 30, 1976;

and it was further

VOTED: To approve the license for Sudbury Management Inc., d/b/a J.T. Steak House, 120 Boston Post Road, Sudbury, to operate an electronic hockey game machine on weekdays, to expire December 31, 1975.

Selectman Powers requested that the Building Inspector indicate the location of the tables and pinball machine on the previously submitted floor plan which shows relocation of the bar.

Appointments - 1975-76 Election Officers

It was on motion unanimously

VOTED: To appoint the election officers for 1975-76 as set forth in a communication dated May 30, 1975, from the Sudbury Democratic Town Committee and a communication received June 17, 1975, from the Republican Town Committee.

Report - Petition - Old Lancaster Road

The Board received on July 16, 1975 a report from Colonel Paul J. Leahy relating to the recent petition for one-way status for Old Lancaster Road, west, which was requested by the Board on March 20, 1975, during an earlier discussion on the matter.

Following a brief discussion, it was on motion unanimously

VOTED: To table the matter until August 11 to allow the Board to review Col. Leahy's report.

Town Fathers' Forum Format

The Executive Secretary reported that questionnaires relating to the format of the Town Fathers' Forum had been distributed to Town agencies last May and reported the receipt of a communication from the President of the League of Women Voters which urged continuation of the present format. Mr. Thompson presented the results of last May's survey, which indicated that the Town agencies preferred that the present Forum format be continued with the addition of a 10-15 minute presentation on topics of general interest.

Acceptance of Precinct Divisions

The Board noted receipt of a communication dated July 7, 1975, from John W. Delaney, Chairman, Local Election Districts Review Commission, which informed the Board that its plan for division of precincts for the Town is in conformity with Section VI, Chapter 54 of the General Laws, as amended.

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

VOTED: To proceed with the printing of new precinct maps.

Davis Farm Acquisition

The Executive Secretary reported that the Board had received a communication dated July 11, 1975, from the Secretary of the Office of Environmental Affairs relative to the Town's fund application for the acquisition of the Davis Farm, which informed the Board that, based on the Department's priority system, the Town's proposal does not rate sufficiently high enough for a funding consideration from the Bureau of Outdoor Recreation (BOR).

The Executive Secretary recommended that he meet with the Commissioner of Environmental Affairs to review the reasons for this project's elimination from the Department's priority list.

Mr. Thompson reported that the southern portion of the Davis Farm has already been purchased by the Conservation Commission with Conservation and Town funds.

Discussion followed relative to the presentation under the Davis Farm acquisition article at the 1974 Annual Town Meeting, which included plans for an immediate application for 50% reimbursement BOR funds and for the short term borrowing of \$125,000 in anticipation of reimbursement.

The Board expressed its concern with the serious problem created by having to complete the purchase of this land even though there will be no federal funds forthcoming and the necessity for the Town to now borrow and pay in full the remaining cost of this acquisition.

Mr. Ira Potell of the Finance Committee suggested that when the Town enters into purchase and sales agreements for future purchases, the purchase be made contingent upon the receipt of reimbursement funds.

The Board authorized the Executive Secretary to act upon his recommendation to meet with the Commissioner from the Department of Environmental Affairs and directed him to schedule a joint meeting on August 25 with the Park and Recreation Commission and the Conservation Commission for further discussion of the matter.

Application for Metropolitan Discretionary Balance Funds

The Executive Secretary reported that the Board on February 24, 1975, had voted to authorize the preparation of a preapplication for Federal Assistance to the Department of Housing and Urban Development (HUD) Area Office for discretionary funds under the Housing and Community Development Act of 1974. Mr. Thompson reported that at that time the Board had been notified that no discretionary funds were available.

The Executive Secretary stated that new funds have now been made available to that office and that a communication dated July 17, 1975, had been received by the Board, which indicated that a full application for funds might be made for all projects earlier applied for with the exception of the SudBus activity which was ineligible.

Mr. Thompson reported that he had met, last week, with Mr. Carpenter from the Boston Area HUD Office and that they had reviewed Sudbury's preapplication. Mr. Thompson stated that as a result of this meeting he would recommend that the Board proceed with the full application for discretionary funds and that the Planning Board be requested to give staff assistance on this matter and their recommendations for priorities as soon as possible, recognizing an August 15 deadline for submission.

Discussion followed and it was on motion unanimously

VOTED: To proceed with the above recommendations of the Executive Secretary.

Joint Regional Transportation Committee

The Board received a communication dated July 18, 1975, from Malcolm Beers, Sudbury's representative to the Joint Regional Transportation Committee, relative to a July 17 meeting on the subject of the Department of Public Works' plans for use of the Route 20 corridor.

The Executive Secretary reported that at an earlier meeting of that Committee plans had been finalized which indicated doing away with any development of north-south transportation in the area, which had been Sudbury's priority, and that the July 17 meeting attended by Mr. Beers was a further development of their earlier plans for an east commuting pattern.

Following discussion, it was on motion unanimously

VOTED: To express the Board's appreciation to Mr. Beers for his regular attendance at the meetings of the Joint Regional Transportation Committee and his communication of the subject matter to the Board;

and it was further

VOTED: To forward copies of Mr. Beer's July 18, 1975, communication to the Planning Board, the Highway Commission, the Bus Transportation Committee, and any other appropriate Town boards, with the comment that the Selectmen concur with Mr. Beer's concern that Sudbury is not being heard with regard to comprehensive regional transportation planning.

National Flood Insurance Program

The Board received a communication dated July 23, 1975, from the Department of Housing and Urban Development, Federal Insurance Administration, relative to that Department's acceptance of the flood plain management regulations which have been adopted by the Town and which authorized the sale of flood insurance in the Town under the emergency National Flood Insurance Act of 1968.

Following discussion, it was on motion unanimously

VOTED: To direct the Executive Secretary to have copies of the above-referenced communication mailed to those persons identified as being in the flood hazard areas and to the local banking institutions.

Site Plan Application #75-149, Philip J. and Marjorie A. Newfell, 57 Codjer Lane

Present: Zoning Enforcement Agent Francis E. White; Philip Newfell, applicant; David Weir, property owner; Daniel and Barbara Bortle and several other residents of Codjer Lane

The Board, at its July 14 meeting, voted to continue consideration of the site plan of Philip J. and Marjorie A. Newfell for property located at 57 Codjer Lane until July 28 to allow revision of the site plan in accordance with the Planning Board's recommendations set forth in their letter of July 9, 1975 and agreements reached among the Zoning Enforcement Agent, the applicant, the property owner, and the immediate abutter, Mr. Bortle.

The Zoning Enforcement Agent reported that he had met on July 21 with Mr. Newfell, Mr. Weir, and Mr. Bortle to discuss matters relating to the site plan which were raised in the Planning Board's July 9 communication. Mr. White, referring to his July 23, 1975 communication to the Board, reported on the agreements reached at the July 21 meeting.

Mr. Newfell commended Mr. White for his excellent work in conducting the July 21 meeting.

Acting Chairman Toomey, at this time, invited those present to bring to the attention of the Board any new matters not previously discussed.

Mr. Bortle briefly stated that a zoning problem exists in that area in that the Industrial Zone is located on the easterly side of Codjer Lane immediately abutting the Residential Zone. Mr. Bortle also stated that there is an existing variance on the property under consideration relating to insufficient frontage on Union Avenue.

There being no further discussion or information presented, it was on motion unanimously

VOTED: To approve the site plan dated April 1975, revised June 17, 1975, prepared for Philip Newfell by Edward W. Rogers, Registered Professional Engineer and Land Surveyor, Rogers Co., Clinton, Ma, subject to the notations and conditions listed in the Zoning Enforcement Agent's July 23, 1975 communication.

The Board expressed its appreciation to Mr. White for his part in resolving matters to the satisfaction of the applicant and the abutters.

Appointments -- Conservation Commission

The Board interviewed Mr. Sandris J. Stubelis, 49 Austin Road, a twelve-year Sudbury resident relative to his possible appointment to the Conservation Commission.

In response to the Board's questions relative to the present policies and procedures of the Commission, Mr. Stubelis stated that while acquisition of conservation land provides protection for the Town and for the Federal government, in his opinion, in some cases the Commission has overbrought land.

Mr. Stubelis stated that his past involvement with conservation issues has been only through the Environmental Protection Act as it relates to industry.

Mr. Stubelis stated that he would be available for Conservation Commission work on weekends and most nights.

Following discussion, it was on motion unanimously

VOTED: To appoint Joseph Tratnyek, Sandris J. Stubelis, and Kathleen M. Brown to the Conservation Commission for terms to expire on April 30, 1978.

Election Officers - Republican Town Committee

Following discussion, at the request of Chairman Taft, it was unanimously

VOTED: To reconsider the Board's earlier vote relative to the appointment of the 1975-1976 Republican election officers.

It was further

VOTED: To rescind the appointment of Josiah F. Frost as Election Warden for Precinct 2 because of his present position as Fire Chief;

and it was further

VOTED: To request a recommendation for said appointment from the Republican Committee.

Receipts from the Bicentennial Ball

Following discussion, on the recommendation of the Revolutionary War Bicentennial Committee and the 1975 Bicentennial Ball Committee, it was on motion unanimously

VOTED: That the proceeds of the 1975 Bicentennial Ball be deposited by the Town Treasurer in a separate account in accordance with Chapter 198 of the Acts of 1975 and in accordance with the agreement of the joint meeting of the Revolutionary War Bicentennial Committee and the 1975 Bicentennial Ball Committee on July 24, 1975.

St. Aselm's Church

The Board received a communication dated July 24, 1975, from St. Anselm's Church which requested that their application for Beano, approved by the Board of May 19, 1975, be amended to read Sunday rather than Wednesday night.

Following consideration, the Board agreed that the best interests of the Town would be served by retaining the Wednesday night application.

Special Meeting - July 31, 1975

It was on motion unanimously

VOTED: To schedule a special meeting at 2:00 p.m., Thursday, July 31, 1975, to discuss collective bargaining matters in advance of Fact Finding scheduled for 3:00 p.m. that date.

Executive Session

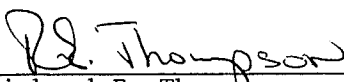
At 9:15 p.m., it was on motion unanimously

VOTED: To enter into executive session for the purpose of discussing, deliberating, or voting upon matters which, if made public, might adversely affect the financial interests 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 10:30 p.m.

Attest:


Richard E. Thompson
Executive Secretary/Clerk