

IN BOARD OF SELECTMEN
MONDAY, JUNE 2, 1975

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

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The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Chairman John E. Taft.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting and executive session of May 27, 1975, and the Town Fathers' Forum of May 19, as corrected.

Appointments

On the recommendation of the Police Chief, in a communication dated June 2, 1975, it was on motion unanimously

VOTED: To appoint John Mele, 140 Stock Farm Road, as a Special Police Officer, paid detail, subject to the May 27, 1975 vote of the Board of Selectmen, for a term to expire on April 30, 1976.

Consideration of other appointments followed:

Board of Appeals - Following discussion, it was agreed to invite members of the Board of Appeals to meet with the Selectmen, Town Counsel, and the Zoning Enforcement Agent for discussion of existing permits and variances. It was also agreed to invite the present Associate members for discussion of the rotation system now used for their service on the Board of Appeals.

Business Advisory Committee - It was agreed to request the minutes of the meetings of the Business Advisory Committee, following receipt of which those with regular attendance will be requested to meet with the Board for discussion relative to appointments to that Committee.

Conservation Commission - The Executive Secretary reported that the Board had received a communication dated May 1, 1975, from the Chairman of the Conservation Commission, which indicated that Peter Scott, because of increased business pressures, does not seek reappointment to that Commission. Mr. Thompson also reported that the communication offered names for the Board's consideration.

The Board requested that the Executive Secretary confirm with Mr. Scott his willingness to continue on the Commission and to request that Marion Harris, Paul Remington, Kathleen Brown, Leslie Riseberg, and Peter Scott, if interest is indicated, meet with the Board for discussion relating to appointments.

Assistant Dog Officer - In response to Selectman Powers question relative to Mrs. Betsy Lawson's boarding or keeping of dogs, Dog Officer Francis E. White stated that Mrs. Lawson no longer rents space to the Buddy Dog Humane Society, but that she does still keep Town dogs. Mr. White also stated that the Humane Society is still buying dogs from the Town and that the Town transports the dogs to Brockton.

At the suggestion of the Board, Mr. White agreed to schedule a meeting with the Assistant Dog Officer and the Chairman of the Board of Directors of the Buddy Dog Humane Society, and report back to the Selectmen.

Earth Removal Board - It was agreed to schedule discussion of appointments to the Earth Removal Board at the Selectman's proposed meeting with the Board of Appeals.

Equal Employment Opportunity Bylaw Committee - It was agreed to defer consideration of appointments to the Equal Employment Opportunity Bylaw Committee until receipt of a requested report from Town Counsel and the Executive Secretary.

It was agreed to defer further consideration of appointments until a special meeting of the Board on Wednesday, June 4, at 7:00 p.m. in the Loring Parsonage.

Site Plan Application #75-148, Philip and Marjorie Newfell, 57 Codjer Lane

Present: Philip Newfell, applicant; David Weir, property owner; Francis E. White, Zoning Enforcement Agent; Robert Cooper of the Planning Board; Robert Nims, Daniel Bortle, Irwin Leav, and several other residents of Codjer Lane

In accordance with Article IX, V, A of the Sudbury Bylaws, the Board considered the site plan of Marjorie and Philip Newfell, 57 Codjer Lane.

The Executive Secretary read the notice of the hearing and reported that all appropriate department heads and abutters had been notified and return receipts received.

The Executive Secretary further reported that the following reports had been received: from the Zoning Enforcement Agent, dated May 5, which stated that if a permit for operation of a business in that location is issued by the Board of Appeals at its pending hearing, the site plan would comply with the Town Bylaws; from the Conservation Commission, dated May 19, 1975, which supported the use of the site as proposed by Mr. Newfell; and from the Planning Board, dated May 20, 1975, which recommended conditional approval. One condition of the Planning Board's approval concerned the regarding of dirt piles so as not to encroach on the wetlands, which is contradictory to the Conservation Commission's statement, in their May 19 report, allowing a small corner of the flood plain to be filled. Later in the evening, Mr. Cooper was asked whether the Planning Board was aware of the Conservation Commission's statement and he replied that they were.

The Executive Secretary stated that the Board of Appeals had held a hearing on May 20 on the application of Mr. Newfell for a permit to conduct a retail business at this location and that it was his understanding that the permit had been denied.

Mr. White submitted the site plan for Mr. Newfell, and it was discussed with a view to the conditions in the above-referenced board reports.

Selectman Powers stated that in 1968 a conditional variance had been granted to conduct a retail business at that location which would run with the land.

It was also mentioned that this area is the subject of a warrant article for consideration at the June 9 Special Town Meeting.

The past zoning history of this property was reviewed, and Mr. White stated that a special permit is needed because of the fairly recent change from Industrial Zone to Limited Industrial Zone.

Mr. Daniel Bortle, 53 Codjer Lane, spoke in opposition to the proposal, commenting that business should be conducted in business zones and industrial operations in industrial zones.

Mr. Robert Nims, 20 Codjer Lane, also spoke in opposition because of the increased traffic hazard.

Mr. Weir stated that he had spoken with the Highway Commission on the subject of an opening onto Union Avenue and suggested that Codjer Lane might be made a one-way street.

Irwin Leav, 21 Codjer Lane, also spoke in opposition to an increased traffic hazard with an exit onto Codjer Lane.

Mr. Cooper stated that if an entrance is made onto Codjer Lane, it will create a traffic problem, but that the Planning Board has recommended, as stated in its May 20 report, that no access be made onto Union Avenue.

Following further discussion, it was on motion unanimously

VOTED: To continue the hearing on the site plan application of Philip and Marjorie Newfell, for location at 57 Codjer Lane, until the Board's meeting of June 16, inasmuch as the Board had been informed that the Board of Appeals has denied the owners of the property a permit to conduct a retail business for the sale of hardware and related items at this location and the fact that the location is the subject of Article 2 of the June 9 Special Town Meeting.

Utility Petitions #75-30, #75-31a, and #75-31b - Pantry Road, Woodside Road, and Horse Pond Road

Present: Robert Blake of Boston Edison Company

In conformity with the requirements of Sections 21 and 22 of the Chapter 166 of the General Laws, a hearing was held on the below-named utility petitions:

UP75-30 - Petition of Boston Edison Company to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way:

PANTRY ROAD, at and southwesterly from Olde Town Circle, a distance of about 50 feet - conduit.

The Executive Secretary reported that appropriate boards had been notified and that a recommendation for approval, dated May 30, 1975, had been received from the Power and Light Committee.

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

VOTED: To approve the above-referenced petition dated May 15, as submitted by Boston Edison Company.

UP75-31a - Petition of Boston Edison Company and New England Telephone and Telegraph Company for relocation of the following:

WOODSIDE ROAD, northwesterly side, approximately 778 feet southwest of Warren Road, -- One (1) pole; One (1) existing JO pole to be removed.

The Executive Secretary stated that a report dated May 30, 1975, had been received from the Power and Light Committee, which recommended approval.

The Executive Secretary reported that he had authorized removal of this pole subject to the Board's confirmation because its location was in the path of the Woodside Road walkway.

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

VOTED: To approve the above-referenced petition dated May 2, as submitted by Boston Edison Company and New England Telephone and Telegraph Company.

UP75-31b - Petition of Boston Edison Company and New England Telephone and Telegraph Company for relocation of the following:

HORSE POND ROAD, norwesterly side, approximately 363 feet southwest of Peakham Road, -- One (1) pole; One (1) existing JO pole to be removed.

The Executive Secretary stated that a report dated May 30, 1975 had been received from the Power and Light Committee, which recommended approval, and that this pole is in connection with work on the Horse Pond Road School walkway.

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

VOTED: To approve the above-referenced petition, dated May 9, 1975, as submitted by the Boston Edison Company and New England Telephone and Telegraph Company.

License for Additional Storage of Inflammables, Underground - Leonard E. Pike, 475-477 Boston Post Road

Present: Building/Wiring Inspector, Francis E. White; Robert Hagopian, attorney for applicant; Fire Chief, Josiah Frost; Robert Cooper of the Planning Board; Judith Cope of PRIDE, and Olga Reed of the Conservation Commission.

In accordance with the provisions of Chapter 148 of the General Laws, the Selectmen held a public hearing on the application of Leonard E. Pike, for a license for additional underground storage of inflammables at 475-477 Boston Post Road, as follows:

Underground, two (2) 10,000 gallon tanks gasoline;

and the approval of existing storage, as follows:

Underground, four (4) 4,000 gallon tanks gasoline; one (1) 2,000 gallon tank gasoline; and one (1) 500 gallon tank waste oil.

The Executive Secretary reported that all appropriate Town boards and abutters had been notified and return receipts received. The Executive Secretary also reported that the license application had been approved by the Fire Chief on April 14, 1975, and that an affirmative report dated May 27, 1975, had been received from the Chairman of the Highway Commission.

Mr. Thompson stated that he had traffic counts of the area as requested by the Board and an updated map showing all underground storage in the general area.

Mr. Hagopian stated that the service station presently sells regular gasoline and unleaded gasoline and that they need the additional tanks in order to supply hi-test gasoline and to assure fuel delivery, as deliveries are limited to a minimum amount of 5,000 gallons.

A review of Mr. Pike's existing underground storage followed -- four 4,000 gallon tanks and one 2,000 gallon tank, which would, with the proposed two 10,000 gallon tanks, total 38,000 gallons.

Selectman Taft commented that this total storage would exceed that of any other gasoline station in the Town.

Mr. Hagopian stated that the stations' volume of business warrants this large increase and commented that this particular station supplied gasoline throughout the gasoline shortage. Mr. Hagopian stated that the increased capacity would help to guard against a future gasoline shortage, which would be in the public interest.

Selectman Toomey stated that he could not agree that this station was among the forefront during the gasoline shortage and that, in his opinion, they should be

treated in the same manner as the other stations.

In response to Chairman Taft's questions, Mr. Hagopian stated that Leonard E. Pike is the owner of the business and, since the termination of management by the British Petroleum Company about a year ago, has managed the station.

Selectman Toomey pointed out that during the gasoline shortage when BP was managing the company, BP, as a distributor, could distribute to its own, but that if another gas shortage arose, Mr. Pike would not be in a similar position.

Mr. Hagopian reported that the Consumers Division of the Attorney General's office has requested Mr. Pike to offer all three grades of gasoline and restated the need for sufficient tank capacity for minimal deliveries of 5,000 gallons.

Selectman Taft requested that Mr. Hagopian supply the Board with the current sales of gasoline and information relating to any restriction concerning minimum deliveries from this distributor.

In response to the Board's question, Mr. Hagopian stated that the station has six pumps with twelve hoses.

Selectman Powers asked Mr. Hagopian whether, if the Board approved the existing four 4,000 gallon tanks, the one 2,000 gallon tank, and the one 500 gallon tank for waste oil, the BP station could function and compete with other stations.

Mr. Hagopian responded that the station could function, but with difficulty, because the third type of gasoline should be available for its proper operation.

In response to Chairman Taft's question, Mr. Hagopian stated that there is nothing in writing concerning the request to BP for a third type of gasoline, but that the Consumers Division has requested that it be made available.

The Executive Secretary, at the request of the Board, identified similar underground storage at the service stations in the surrounding area, as follows:

| | | | |
|-----------------|-------------|----------------|-------------|
| Cities Service | 8,000 gal. | Georgia George | 10,000 gal. |
| Gibbs Oil | 13,000 gal. | Gulf Oil | 14,000 gal. |
| Anthony Maiuri | 12,000 gal. | James Mercury | 18,000 gal. |
| Mobil Oil Corp. | 30,000 gal. | Amoco | 8,000 gal. |
| Shell Oil | 20,000 gal. | | |

The Executive Secretary then identified amounts of underground storage for business and industrial operations in the vicinity.

In answer to the Board's question, Mr. Hagopian stated that the Pike station is operated as a discount station, and the Board then compared it to the immediately adjacent Gibbs Oil operation, which runs on a capacity of 13,000 gallons.

Chairman Taft directed that Mr. Hagopian be given a listing, dated August 1974, updated May 30, 1975, of underground storage within the Town ("Exhibit A") and a copy of the above-referenced map showing the locations of the same ("Exhibit B").

Selectman Powers again asked whether, if the Board should approve the existing storage, the station could function, and Mr. Hagopian replied that they could operate under a hardship.

Town Counsel asked Mr. Hagopian when the storage was increased from two 4,000 gallon tanks to four 4,000 gallon tanks.

Mr. Hagopian responded that the original 8,000 gallons was granted by the Fire Chief and the additional 8,000 gallons was granted by the Selectmen when they took over that function.

Town Counsel suggested that if deliveries are made in lots of 5,000 gallons, that two 4,000 gallon tanks be used for delivery of one type of fuel, one 4,000 and the 2,000 tank be used for a second fuel, leaving a 1,000 gallon reserve, and, if the remaining 4,000 gallon tank were supplemented with an additional 2,000 gallon tank, that sufficient storage might be available.

Mr. Hagopian responded that to wait until the tanks were down to 1,000 gallons would cause the loss of two days' business.

Chairman Taft requested comments from other board representatives.

Mr. Cooper stated that he had been notified by telephone that the Planning Board voted to support Mr. Pike's application.

Mrs. Cope asked, on behalf of PRIDE, whether Mr. Pike planned any above-ground improvements, and the Board, the Building Inspector, and Mr. Hagopian described the improvements shown on the recent site plan.

Mrs. Reed stated that the Conservation Commission's only concern is that the storage area is not within the 100 feet of the wet area behind the station and was told that the distance is in excess of 100 feet.

Town Counsel asked Mr. Hagopian for a minimal additional storage figure which would allow flexibility, and Mr. Hagopian responded that Mr. Pike would need at least a 10,000 gallon tank.

Chairman Taft suggested that Mr. Hagopian provide the Board with data pertaining to gallons pumped per month over the last few months and that the data be broken down into figures for both regular and leaded gasoline. Chairman Taft requested that Mr. White, in his capacity as the Sealer of Weights and Measures, supply to the Board information concerning the other gasoline stations' distribution of each type of gasoline in their storage tanks as well as the number of pumps and the time period between deliveries.

Selectman Powers requested that Mr. Hagopian supply the Board with information pertaining to a fuel type distribution plan for the existing and proposed tanks.

Following further discussion, it was on motion unanimously

VOTED: To continue the hearing on the application of Leonard E. Pike to approve a license for existing and additional underground storage at 475-477 Boston Post Road until the Board's regular meeting on June 23, at 7:30 p.m.

Minuteman Regional Refuse Disposal Planning Board

Present: James Foust of the Regional Refuse Disposal Planning Committee; Town Engineer, James Merloni; John Hare, Chairman of the Highway Commission; William Cooper of the Board of Health

James Foust met with the Board on the subject of the recent activities of the Minuteman Regional Refuse Planning Board (MRRPB) and read to the Board his May 9, 1975 communication on the subject, which stated that the Sudbury members of the MRRPB have concluded that it would be advantageous for the Town to continue participation in the MRRPB activities with the prime purpose being to work toward the utilization of a resource recovery facility at such time that Sudbury can no longer use the landfill for disposal purposes.

Mr. Foust stated that the MRRPB, when first meeting, had commissioned a study by Arthur D. Little Co. which would emphasize resource recovery. Mr. Foust submitted to the Board two copies of their completed report, dated April 1975.

Mr. Foust reported that the Arthur D. Little study indicated that the present population of the eight communities within the Minuteman region to be 95,600 which would generate approximately 53,000 tons of municipal solid waste in 1975, and the study's report on alternatives of a steam recovery plant and a resource recovery plant were discussed.

Mr. Foust stated that the resource recovery plant would not be economically attractive at the waste capacity generated by the Minuteman region and that it was the recommendation of the Arthur D. Little report that the region should band together with other communities to pursue this approach through the Department of Public Works (DPW). Mr. Foust stated that the MRRPB is currently meeting with members of the DPW in this regard and that the DPW plans to meet twice a month with an advisory board to consist of Selectmen from participating towns. Mr. Foust also stated that the DPW would require a resolution of interest in the program from each participating town, but that no financial commitment would be involved.

Mr. Foust stated that following his May 9 letter to the Board, the Selectmen had received a letter from the Newton Waltham Regional Refuse Disposal District inviting the Town to attend a regional meeting scheduled for May 13, 1975, on the subject of a solid waste resource recovery plant in the suburban west and northwest area of Boston. Mr. Foust stated that he had attended the May 13 meeting.

Mr. Foust reported that of all the Towns in the Minuteman region, Sudbury is the only one without an urgent problem and that our landfill costs are currently projected below the costs of a regional operation. Mr. Foust stated that if the life of our landfill would allow its use until the State developed a regional resource recovery plant, it might not be consistent to have the Town continue its participation in the MRRPB.

Chairman Taft reported that the Board had been approached very informally by an officer of Massport regarding a resource recovery plant at a capacity of 1,000 tons per day.

In response to a question from the Board, the Town Engineer estimated that the present landfill and the use of the Smith land would provide a landfill life of 20 years based on the current rate of usage and the continued use of deep cover material and 28 years using a lesser amount of cover.

Mr. Hare indicated his agreement with the Town Engineer's estimate.

Selectman Powers asked Mr. Foust for his recommendation as to whether an advisory board member should be selected at this time or at a later time and for his opinion as to the length of time before a regional resource recovery plant might be available.

Mr. Foust estimated that completion of a plant from the beginning would take two or three years. Mr. Foust stated that the Town is in a good position to allow the plans to become better organized, but recommended that the Selectmen stay involved and indicate their interest.

Chairman Taft stated that the Board will request the Executive Secretary to keep them informed as to future incoming and outgoing mail on the subject.

Dr. Cooper stated that the Town should examine all alternatives to be sure it makes the right choice in the future. Dr. Cooper stated that the Town now has engineering data on its landfill which is dependable, with which the Highway Commission can predict its life. Dr. Cooper expressed his concern that the Town be drawn into a political group which it could not control and suggested that the MRRPB might review groups of towns similar to Sudbury who were not associated with an existing group like the DPW.

Dr. Cooper also suggested that the Town keep aware of the technology in the Lowell area and obtain data from operating resource recovery plants for our benefit. He also stated that the Wayland-Sudbury endeavor has been difficult to put together and that a joint effort with ten or more towns would be that much more difficult. Dr. Cooper stated that the general approach of resource recovery may not be the best alternative for Sudbury and, if there are other alternatives that would meet the 50,000 population figure, perhaps these should be considered. He mentioned the military reservation land in the western section of Sudbury and questioned whether there was the possibility that part of this land could be used after our present landfill can no longer be used.

Mr. Foust stated that the Arthur D. Little study does not consider all the alternatives, but the region as a whole and for this reason had recommended the system, but that it may not necessarily be the best route for the Town.

Chairman Taft thanked those present for their participation in the meeting and stated that further discussion on the subject would take place.

Executive Session

At 9:35 p.m., it was on motion unanimously

VOTED: To enter into executive session to discuss collective bargaining and personnel matters.

The executive session adjourned at 10:25 p.m.

Application for Hawkers & Peddlers License - Guy J. Fiore

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

VOTED: To grant a Hawkers and Peddlers License to Guy J. Fiore, 30 McEnelly Street, Marlborough, to allow the sales of Koto-Matic Paint Applications, Hydroponics Plants (grown without soil) and Bicentennial specialties, subject to the Board's rules and regulations as adopted by the Board on April 1, 1975.

Application for Hawkers & Peddlers License - Edmund R. Lodge

The Board received an application for a Hawkers and Peddlers License from Edmund R. Lodge, 312 High Street, Acton, Massachusetts, to operate a Drive In Fish Company at 454 Boston Post Road, between the hours of 11:00 a.m. to 6:00 p.m.

The Board also received a communication dated June 2, 1975, from the Building Inspector with questions relating to Mr. Lodge's site plan application.

The Building Inspector's questions had been previously reviewed and answered by Town Counsel, but it was agreed that Town Counsel should further review the matter of a Hawkers and Peddlers License being issued for a permanent establishment of business...whereas such a matter should take a normal site plan submission procedure and not a license application.

It was on motion unanimously

VOTED: To deny the application of Edmund R. Lodge for a Hawkers and Peddlers License to operate a Drive In Fish Company at 454 Boston Post Road.

Suffolk Trust for Nature Conservation, Suffolk, England

The Board received a communication dated May 23, 1975, from Edgar Milne-Redhead, Vice-Chairman of the Suffolk Trust for Nature Conservation, Suffolk, England, which requested a donation from the Town to help with the purchase of Groton Wood, a 50-acre ancient woodland which formed part of the former estate of Governor John Winthrop.

The Board noted receipt of the communication and requested the Executive Secretary to inform Mr. Milne-Redhead that the Town has no provision for making such a donation, but that his letter of appeal will be forwarded to the local newspapers for publication.

Resignation -- Personnel Board

The Board received a communication dated May 28, 1975, from Reverend Michael E. Boardman, who tendered his resignation from the Sudbury Personnel Board because of his intended move from Sudbury.

It was on motion unanimously

VOTED: To accept the resignation of Reverend Michael E. Boardman, with regret, and to direct the Executive Secretary to acknowledge Reverend Boardman's communication, expressing the Board's appreciation for his service on that Board.

Ribbon Cutting Ceremony - Wayside Plaza

The Board received a communication dated May 28, 1975, from John M. Kuhlmann, President of Kuhlmann, Inc., which requested that the Board of Selectmen participate in the ribbon cutting ceremony of the Wayside Plaza, scheduled for Thursday, June 12, 1975, at 11:30 a.m.

It was agreed that Chairman Taft will attend.

Commendation - Patrolman Allan C. Houghton

The Board received notification of a commendation dated May 28, 1975, from the Chief of Police to Patrolman Allan C. Houghton for his action on Saturday, May 17, 1975, in connection with a robbery in the Village Green Shopping Center on Hudson Road.

The Police Chief also forwarded a copy of a communication dated May 23, 1975 from Mr. Van M. Aroian, operator of a store in Village Green, which praised the work of the men in the Sudbury Police Department and the outstanding work of Officer Houghton on May 17.

It was on motion unanimously

VOTED: To concur with the May 28 commendation of Patrolman Allan Houghton as written by and received from Police Chief Nicholas Lombardi.

New England Telephone - Extended Local Service

The Board received a communication dated May 29, 1975, from Mrs. Estelle Simon, 27 Surrey Lane, spokesperson for legal petitioners in the matter of extended local service to the Sudbury subscribers of the New England Telephone Company. Mrs. Simon's communication enclosed the Telephone Company's draft of new optional main telephone extended local service calling plan in compliance with the Department of Public Utility's (DPU) interim order following the hearing on the matter. Mrs. Simon's communication refuted the Telephone Company's plan as being in compliance with the order of the DPU.

Town Counsel stated that he had reviewed the draft and, in his opinion, found that it did not comply with the DPU order. Mr. Turner recommended that the Board protest the proposed plan of New England Telephone Company as it does not meet the order of the DPU and requested that the Board authorize him to request a hearing before the DPU, on behalf of the Town to seek enforcement from the DPU of their original order.

Hosmer Barn

Following discussion of providing for the disposal of carriages and other contents of the Hosmer barn, it was on motion unanimously

VOTED: To amend the May 27, 1975 vote of the Board of Selectmen on the subject of the Hosmer barn so that it reads: To direct the Executive Secretary to proceed with the appropriate documents, whether by way of proposal or by way of bid, for the sale and/or removal of the Hosmer barn and its contents in the best interests of the Town.

Dixie Land/Rock Concert - Sudbury Skating and Tennis Club - Paid Detail

It was agreed to schedule the Police Chief for discussion of police security at the Dixie Land/Rock Concert scheduled for June 6, 1975, at the Board's special meeting on June 4, 1975.

Executive Session

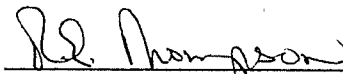
At 10:50 p.m., it was on motion unanimously

VOTED: To enter into executive session to discuss matters, 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 11:05 p.m.

Attest:



Richard E. Thompson
Executive Secretary/ Clerk