

IN BOARD OF SELECTMEN
TUESDAY, MAY 27, 1975

Present: Chairman John E. Taft, 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, Town Clerk

The Board drew the name of Paul D. Baldelli, Sr., 560 Boston Post Road, to serve as juror at Cambridge Criminal Court, commencing June 16, 1975.

Battle of Bunker Hill Ceremonies

The Board received a communication dated May 15, 1975, from Edward A. McColgan, Executive Director, Massachusetts Bicentennial Commission, which invited an official representative from Sudbury to take part in the ceremonies commemorating the Battle of Bunker Hill to be held on June 17, 1975.

It was on motion unanimously

VOTED: To direct the Executive Secretary to contact Palmer True relative to the annual participation of the Sudbury Companies of Minute and Militia in the Bunker Hill ceremonies, and, if it so planned, to designate that Company or a member as the Town's representative.

Town Historian - Veterans Agent

The Board received a communication dated May 14, 1975, from Forrest D. Bradshaw, Town Historian, which relayed a request from a former resident of Sudbury, to have his name added to those of the other veterans of World War II on the monument in Wadsworth Cemetery.

The communication also referred to compilation of a list of Sudbury citizens who served in the Korean and Viet Nam conflicts.

Selectman Powers stated that it was his understanding that the Veterans Agent has such a list.

Following further discussion, it was on motion unanimously

VOTED: To refer the above-referenced communication to the Veterans Agent for his report relative to verification of service and residence of the former resident;

and it was further

VOTED: To refer the Town Historian's May 14 letter to the Veterans Agent with the request that he work with the Veterans Advisory Committee to update the list, if necessary, and make recommendations on an appropriate monument for the Korean and Viet Nam conflicts.

Hosmer Barn

Present: Burgess Warren, Carlton Ellms, Clark Goff of the Historic Districts Commission; Francis E. White, Building Inspector

The Executive Secretary reported that last year the Board had requested the Historic Districts Commission for a hearing relating to removal of the Hosmer Barn and the design of a picket fence on a portion of the property. At that time both the Selectmen and the Permanent Landscape Committee approved the plan of Heritage Park with the exclusion of the barn. Mr. Thompson reported that the Historic District denied the petition for removal of the barn at that time.

Mr. Thompson stated that, in the meantime, he had received a letter from the Fire Chief on the subject of the debris in the basement of the barn and that, within the last two weeks, he had requested a report from the Building Inspector relating to the status of the barn.

The Executive Secretary read the Building Inspector's report dated May 16, 1975, which stated that the present condition of the barn is hazardous to life and limb and recommended that it be removed. The Building Inspector's May 16 letter also stated that he had requested that the Fire Chief, the Town Engineer, and Mr. Ronald Ham, 56 Pine Street, constitute a survey board, as described in Section 124.3 of the State Building Code and that this action is in conformity with Sections 124.0 and 125.0 of the State Building Code.

The Board also received related correspondence dated May 23, 1975, from Town Counsel which indicated that disposal of the barn, after prescribed procedures, is provided to the Selectmen under G.L.c139, §1, or to the Building Inspector under G.L.143, §6.

The Executive Secretary stated that the Board had received a second communication dated May 27, 1975, from the Building Inspector, which stated that he had proceeded under G.L.c143, Sections 6 and 8, and enclosed copies of the reports of the survey board, all of whom recommended the removal of the barn.

Mr. Warren reported that the application considered by the Historic Structures Commission on April 1, 1974, to remove the barn and contribute ideas to the fencing of the Hosmer property was attended by Selectman Powers, the Executive Secretary, and two members of the Permanent Landscape Committee. Mr. Warren further reported that, following discussion at that time, the Commission had voted unanimously to deny the application for removal of the barn, but had agreed to contribute to the thinking and planning of the fence after the major landscaping had been laid out. Mr. Warren then read the Commission's findings on April 1, 1974, which expressed the Commission's hope that the barn could be repaired and made sound.

Mr. Warren stated that the barn acts as a sound and visual screening of traffic on Old Sudbury Road from Concord Road and helps to retain the enclosure of the Centre as it once was. Mr. Warren stated that a cellar hole indicates that a second barn had stood farther east of the present barn and in response to a question from Chairman Taft estimated that the Hosmer barn had been built around 1900.

Selectman Powers stated that Miss Hosmer had requested that the barn be removed and read the individual reports from the survey board (the Fire Chief, the Town Engineer and Mr. Ronald Ham--reports dated May 20, May 27, and May 20, 1975, respectively), all of whom recommended that the barn be removed.

Selectman Toomey questioned whether some portions of the structure could be saved and removed piece by piece or whether it should be completely razed and the cellar hole filled in. Selectman Toomey stated that he was aware that interest had been expressed by some citizens concerning portions of the barn.

The Executive Secretary stated that his office had received requests from Townspeople interested in both the barn and in the buggies in the basement, which are in bad disrepair.

Selectman Toomey stated that, as the building has been determined to be dangerous to life and limb and is Town property, in his opinion, the building should be removed.

Mr. Warren stated that in February 1975 he had spoken with Selectman Powers regarding an application to have the Centre district put on the National Register, which would enable the Town to apply for funds to repair the Hosmer barn. Mr. Warren further stated that the Federal government had, last year, given Massachusetts \$800,000 to use on similar applications and that it was the suggestion of the Massachusetts Historical Commission that the Sudbury Centre district be put on the National Register.

Selectman Powers stated that, in his opinion, the overall approach was interesting, but time consuming, but that he was in disagreement about the Hosmer barn and that once an area is placed on the National Register, very strict restrictions are put upon it and that eminent domain takings could not be done without the approval of the Secretary of the Interior.

In response to the Board's question, Town Counsel stated that the Selectmen could proceed under the provisions of G.L.c143, Sections 6 - 10, and it was on motion unanimously

VOTED: 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 in the best interests of the Town.

Continued Hearing - All Alcoholic Restaurant License - Todd & Wagoner, 8 Village Green, Hudson Road

Present: Francis E. White, Zoning Enforcement Agent; Robert Quirk, property owner; Donald Wagoner and Patrick Todd, applicants; James Healy and William Cossart of the Board of Health; John Sullivan, Health Director, Karl Michaels, tenant of Village Green, Mr. and Mrs. Lamonte Griswold, Mr. Edmund Skulte, Mrs. Isabelle Stone, and approximately 10 other abutters

The Executive Secretary reported that the May 5 hearing on the matter of an application for an all alcoholic restaurant license by Todd & Wagoner, 8 Village Green, Hudson Road, was continued until tonight to allow receipt of information from Town Counsel relative to rulings on the loft area and the interpretation of the word "premises" and a detailed listing of officers and shareholders from the applicants

The Executive Secretary reported that he had, today, received a communication dated May 21, 1975, from a Town resident, who indicated opposition to the proposal, copies of which he distributed to the members of the Board and to the petitioners.

Selectman Toomey reported that he had, today, viewed the site with the Building Inspector and questioned Mr. Wagoner as to the number of parking spaces available for the operation. Mr. Wagoner stated that there were 108 available spaces and that the dumpsters now occupying two spaces would be removed.

In response to Selectman Toomey's further questions, Mr. Wagoner stated that the total seating capacity and maximum help would total 264 people. Mr. Wagoner restated the formula for estimating parking requirements based on seating capacity given at the May 5 meeting and gave the figure of 100 spaces as the maximum number of spaces necessary to accommodate the building's full seating capacity and waiting patrons.

Selectman Toomey stated that spaces would be needed by other tenants in the Village Green complex. Mr. Quirk responded that a survey had been made and the present tenants require a total of 22 - 35 spaces for customers except when the Hitchcock Chair company holds a sale. Mr. Quirk stated that, excepting the quarters to house the restaurant, the complex is fully rented with the exclusion of the loft area over the Hitchcock Chair quarters, which is intended for general storage.

In answer to a question, the Building Inspector stated that this particular storage area is rentable pending the requested opinion from Town Counsel relating to use of loft areas.

Mr. White submitted to the Board a report dated May 27, 1975, which he had requested from the Todd-Wagoner Corporation, containing information on parking for each business at the Village Green. The report indicated that 40 spaces would be required and additional spaces for 20 employees were calculated.

Mr. Quirk stated that the parking lot, as it now exists, could, by adjusting each space and reducing the aisle widths, accommodate an additional 25 cars and still be within the regulations.

The Board reminded Mr. Quirk that if this were done, it would require site plan approval.

In response to the Board's question, Mr. White stated that the present parking spaces conform to the site plan.

Town Counsel's opinion dated May 23, 1975, regarding use of the loft area was read, which indicated that the so-called loft area is an intermediate floor between the floor and ceiling, and, if it covers less than one-third percent of the floor area immediately below, would be allowable, but if it exceeds the floor area limitation would become a third story and would be prohibited under the zoning bylaw.

Mr. White and Mr. Wagoner stated that Town Counsel's ruling would present no problem -- that one-third of the loft area of Building #7 is floored and that the loft area in Building #8 now exceeds this figure, but can be reconstructed to comply with the ruling.

Mr. Wagoner stated that the present plan indicates the following dining area seating capacity: Building #8 - 42 on second floor, 42 in loft area; Building #7 - 42 on second floor, 28 in loft area.

Mr. Wagoner submitted to the Board a list of officers and shareholders of the Todd-Wagoner Corporation, which was reviewed by the Board.

The Executive Secretary read the opinion dated May 19, 1975, from Town Counsel on the subject of liquor licenses and churches, which indicated that the "premises" (the proposed restaurant) is not within 500 feet of the First Parish Church.

Mr. Cossart stated that the size of the proposal would involve approvals from the State and stated that the Board of Health had met with the applicants and had discussed the fact that some rearrangement of the present sewage system on the existing land area could be made to provide sufficient capacity. Mr. Cossart reported that the Board of Health had suggested to the applicants that they proceed, realizing that State approval is necessary and that the Board of Health had offered to review any plans that the applicants now have.

In response to a request from the Board, Mr. Wagoner spoke to justify the need of his proposed restaurant, stating that there is not one of a similar type within a twelve-mile radius. Mr. Wagoner also commented on his and Mr. Todd's considerable past experience in this field and that they had determined after analyzing the area that this would be a good location for this type of restaurant. Mr. Wagoner stated that they could draw from the 1,000,000 people included within a fifteen-mile radius and offered the statistic that in similar areas, a family would go out to dinner 2.1 times a week to a restaurant offering good food and atmosphere.

Mr. Lamonte Griswold, 293 Concord Road, restated his objections to the proposal as given at the May 5 meeting.

Mr. Edmund Skulte, 30 Hudson Road, objected to the proposal because of increased traffic on Hudson Road.

Mr. Wagoner stated that major traffic in connection with their operation would not begin until 6:30 p.m. and would not impact the commuter traffic.

Selectman Toomey, in comparing the proposal with three established area restaurants of a similar type commented on what, in his opinion, would be their inadequate parking lot and stated that he found it difficult to believe that the applicants could accommodate their anticipated volume of business.

The Building Inspector stated that the site would conform to the State statute and because the sewage system is on the property, the Board of Health would ultimately determine a maximum figure for seating capacity.

Chairman Taft stated that a letter objecting to the proposal had been received from Richard Davison, 50 Dutton Road, and the letter was read. Mr. Davison's communication stated that, in his opinion, the request for a liquor license was not in the best interests of the Town and requested that the Board deny the application.

Mr. Karl Michaels, a tenant at Village Green, stated his disagreement with a statement in Mr. Davison's letter relating to the proposal's not being in keeping with the other tenants of Village Green..

Selectman Toomey stated that, in his opinion, no public need or convenience would be served by the issuance of a liquor license, as provided for under Chapter 138, Section 23 of the General Laws, and moved for denial of the application.

Selectman Powers stated that, in his opinion, this operation in this location is not consistent with the neighborhood and that there are many additional problems concerning ground water levels, fire, Board of Health, and sewage, which should all be considered. Selectman Powers moved to amend Selectman Toomey's motion to cover these considerations.

In discussion following the motion, Mr. Cossart stated that he would hope that nothing in the report of the Board of Health had been a determining factor in the Board's motion.

Mr. Wagoner stated that he would like to respond to Selectman Powers' amendment, stating that he found it very difficult to accept the "if" situations.

Mr. Wagoner remarked that he had openly stated that he, Mr. Todd, and Mr. Quirk, as the landowner, would totally conform to all local and State regulations. Mr. Wagoner further stated that, in his opinion, the comparison of the parking situation and the items included in Mr. Powers' amendment did not justify the denial of the application.

Selectman Powers responded that he wished to point out to the petitioners that he had listened very carefully to everything that had been said and that the proposal involves unknowns relating to the drawing of customers, effect of parking, Board of Health, and concerns of abutters regarding septage and water table and compatibility with the neighborhood. Mr. Powers further stated that under the statute the Selectmen have the authority to withhold a license until the common victualler's license has been issued upon completion of all requirements.

It was on motion unanimously

VOTED: To deny the application of Todd-Wagoner Corporation, Patrick Francis Todd, Manager, for a license to sell all alcoholic beverages as a common victualler on premises located at #8 Village Green, Sudbury, as it would serve no public need or convenience and as the proposal is inconsistent with the character of the neighborhood in which it would be located and is attended by a variety of problems pertaining to the development of this site relative to septage and the specific problems of traffic and parking.

P.R.I.D.E. -- Wayland Landfill

Present: Judith S. Cope of P.R.I.D.E.

Mrs. Judith Cope of P.R.I.D.E. met with the Board on the subject of the condition of the Wayland landfill and possible measures to cause improvement to the area.

The Executive Secretary stated that the Board had received a communication dated May 27, 1975, from the Wayland Highway Department which told of Wayland's plan to continue use of their present landfill for at least two more years.

Selectman Powers stated that the Wayland-Sudbury Septage Disposal Planning Committee would meet on May 28 or June 4 to finalize and to recommend the signing of the agreement for the joint septage facility for location on the northerly side of the road in the Sand Hill area and stated that he would prefer not to introduce problems relating to their landfill while in negotiations.

Following discussion of a suggestion by Chairman Taft, it was agreed to request comments on the subject from the Sudbury Highway Commission, following which a letter would be sent to the Wayland Selectmen with a copy to the Wayland Board of Road Commissioners, indicating that the two Towns have a mutual landfill problem and do impact on each other and suggesting that the problem be recognized and corrected.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive session of May 19, 1975, as corrected.

Memorial Day Parade

Selectman Toomey stated that he wished to express his appreciation to the Memorial Day Committee and to Josiah Frost for the best Memorial Day parade and ceremonies since he has been a Sudbury resident.

Selectman Powers concurred and commented that the representative of the American Indian Wars was the Commissioner of Indian Affairs for Massachusetts.

Selectman Toomey also stated that, following the Memorial Day ceremonies, he and Selectman Powers participated in groundbreaking ceremonies for the Housing for the Elderly Development.

Building Inspector -- General Conference

Present: Building Inspector Francis E. White

The Building Inspector met with the Board in a regularly scheduled general conference.

The Board had earlier received his quarterly report dated May 6, 1975, portions of which were discussed.

On the subject of the inspection of the Sudbury Schools, the Building Inspector reported that he, a second inspector, and the Fire Chief had noted violations and had submitted a list of the same to the School Department for correction. Mr. White reported that platforms, for use by reading groups, have been constructed in several of the classrooms, which he considers to be hazardous because of poor quality of construction and danger of fire.

On the subject of the inspection of the Regional High School, which will be begun during the summer months or by September, Mr. White reported some known violations of recent construction involving inner partitions within rooms for use as offices.

The Board requested that Mr. White, in his capacity as Zoning Enforcement Agent, attend a future meeting of the Selectmen and the Board of Appeals, when scheduled, for discussion of existing permits and variances.

Reserve Fund Transfer Request

#0634 - Town Report Printing - The Board, on May 12, 1975, voted to table further consideration of Reserve Fund Transfer Request #0634 until receipt of additional information from the Town Report Preparation Committee relative to their request.

The Board received a communication dated May 27, 1975, from Linda Buxbaum of the Town Report Committee, which supplied the requested information, and following its review, on the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To approve a request for a transfer (#0634) in the amount of \$9700, for payment as follows:

340 pages @ \$28.28	=	\$9,605
80 half tones @ \$4.00	=	<u>320</u>
		\$9,925
Less credit for 15 pages @ \$15.00		<u>225</u>
	Total	\$9,700

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 Carlton B. Colburn, Jr., 26 Hammond Circle for incorporation under the name of Birch Hill Association, Inc., to be located in the Town of Hudson.

Cherry Sheet Conference - Chairman John E. Taft

The Board received copies of Chairman Taft's communication dated May 22, 1975, to Mr. Joseph R. Barresi, Executive Director, Boston Municipal Research Bureau relative to statements made at the May 21 Cherry Sheet conference on the subject of Boston's equalized valuation.

Selectmen Toomey and Powers requested that copies of Chairman Taft's letter be sent to Mr. Daniel Breen of the Department of Corporations and Taxation and to Senator Frederic W. Schlosstein, Chairman of the Massachusetts Senate Committee on Taxation, and to Representative Vincent Piro, Chairman of the Massachusetts House Committee on Taxation.

Police Chief - General Conference

Present: Police Chief Nicholas Lombardi

The Police Chief met with the Board in a regularly scheduled general conference. The Board had earlier received Chief Lombardi's monthly report dated April 29, 1975.

Chief Lombardi reported that there has been a marked increase in vandalism involving mailboxes and property damage to homeowners such as the breaking of windows and damage to automobiles. Chief Lombardi reported that to this time they have been unable to locate or to take action against those responsible.

In response to a question, Chief Lombardi indicated that he would request no further transfers from the reserve fund for the balance of the 1975 fiscal year.

The Executive Secretary distributed a memorandum from the Town Accountant dated May 27, 1975, relative to a college work-study program, which stated that the Town Accountant had been contacted by Chief Lombardi in regard to a University of Maine student's seeking employment with the Police Department under a Federal program. The Town Accountant's memo stated that Chief Lombardi had indicated a shortage of manpower and could employ a student to the benefit of the Town. The memo also mentioned a request for employment with the Engineering Department by a second University of Maine student through the same Federal program and enclosed an agreement from that University in this regard.

The Executive Secretary stated that it was his recommendation that the Board approve these two applications and that he had discussed the matter with George Distler of the Personnel Board, who is in agreement if a job description is supplied.

The Board requested that Town Counsel review the agreement, and on the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To approve the employment of Susan Gerry and John Mele, students at the University of Maine, Portland-Gorham; Miss Gerry with the Engineering Department and Mr. Mele with the Police Department, subject to the approval of the Personnel Board and the stipulation as provided by the agreement that the maximum contribution of the Town to their salaries is to be one-quarter, not to exceed \$250.00.

Executive Session

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

VOTED: To enter into executive session for discussion of matters, which if made public, might adversely affect the reputation of any person.

The executive session was adjourned at 11:00 p.m.

Appointments

Following consideration, it was on motion unanimously

VOTED: To make the following appointments:

Paul J. Leahy and Margaret E. Bennett to the Council on Aging for terms to expire on April 30, 1978.

Francis E. White as Building Inspector, for a term to expire on April 30, 1976.

Earl D. Midgely and Rexford Moss (Wayland) as Deputy Building Inspectors, for terms to expire on April 30, 1976.

Josiah F. Frost as Director of Civil Defense for a term to expire on April 30, 1976.

Howard C. Kelley as Civil Defense Radio Operator for a term to expire on April 30, 1976.

John E. Taft, William F. Toomey, and John C. Powers as Fence Viewers for terms to expire on April 30, 1976.

Josiah F. Frost as Fire Chief and Forest Warden for a term to expire on April 30, 1976.

Howard C. Porter as Gas Inspector for a term to expire on April 30, 1976.

Richard E. Thompson to the Industrial Accident Board for a term to expire on April 30, 1976.

Arthur A. Babigian and Joseph E. Brown to the Industrial Development Commission for terms to expire on April 30, 1980.

Nicholas Lombardi as Keeper of the Lockup for a term to expire on April 30, 1976.

Saul Nathan to the Long Range Capital Expenditures Committee for a term to expire on April 30, 1978.

Niel E. Maurer to the Massachusetts Bay Transit Authority Advisory Board for a term to expire on April 30, 1976.

Helen Priest Deck to the Personnel Board for a term to expire on April 30, 1978.

George Ey as Deputy Plumbing/Gas Inspector for a term to expire on April 30, 1976.

Samuel Reed as Pound Keeper for a term to expire on April 30, 1976.

Alfred Bonazzoli as Public Weigher for a term to expire on April 30, 1976.

John E. Taft as a member of the Sudbury Public Health Nursing Association for a term to expire on April 30, 1976.

Louise Babigian to the Board of Registrars for a term to expire on April 30, 1978.

Francis E. White as Sealer of Weights & Measures for a term to expire on April 30, 1976.

Stanley Barron and G. Burton Mullen to the Sign Review Board for terms to expire on April 30, 1978.

Benjamin R. Walker and Ralph Stone as Surveyors of Lumber & Measurers of Wood for terms to expire on April 30, 1976.

John H. Wilson as Town Accountant for a term to expire on April 30, 1976.

David L. Turner as Town Counsel for a term to expire on April 30, 1976.

James V. Merloni as Town Engineer for a term to expire on April 30, 1976.

Forrest D. Bradshaw and George D. Max as Town Historians for terms to expire on April 30, 1976.

Richard E. Thompson as Executive Secretary for a term to expire on April 30, 1976.

John D. Nicholson and Z. Stanley Taub as Town Physicians for terms to expire on April 30, 1976.

William A. Burns, Paul J. Leahy, Alfred Bonazzoli, Thomas F. McDonough, and Catherine Greene to the Veterans Advisory Committee for terms to expire on April 30, 1976.

John C. Powers to the Wayland-Sudbury Septage Disposal Planning Committee for a term to expire on April 30, 1976.

Warren E. Boyce as Deputy Wiring Inspector for a term to expire on April 30, 1976.

The Board requested an opinion from Town Counsel relative to any problems connected with the appointment of the present Assistant Dog Officer as Dog Officer in view of the fact that she is carrying on activities in connection with the Buddy Dog Humane Society and the use of her property in this regard.

Boston's Equalized Valuation

Town Counsel reported that he will file a petition to request the Court to review the recent decision of the Appellate Tax Board in Superior Court to try to overturn the Appellate Tax Board's decision to reduce Boston's equalized valuation from \$4.63 billion to \$2.60 billion. Town Counsel reported that the Cities of Taunton and New Bedford will join with Sudbury in this action.

Bowker Land Corporation

Town Counsel reported that Robert Quirk, owner of Bowker Land Corporation, will not allow an engineer to inspect the excavation located on Bowker Land Grant, Section V, and that he has prepared a motion to so compel Mr. Quirk, as indicated in Town Counsel's communication to the Board dated May 27, 1975.

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

VOTED: To adjourn the meeting at 11:35 p.m.

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