

IN BOARD OF SELECTMEN  
MONDAY, NOVEMBER 3, 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.

Application for Class II License - Stephen Bankuti, Steve's Auto Body, 9 Old County Road

Present: Stephen Bankuti, applicant; Francis E. White, Zoning Enforcement Agent

In accordance with Chapter 140 of the General Laws, the Selectmen considered the application of Stephen Bankuti, Steve's Auto Body, for a Class II license to buy and sell second-hand motor vehicles at 9 Old County Road.

Chairman Taft reported that the appropriate departments had been notified and the following reports received: from the Zoning Enforcement Agent, dated October 17, 1975, which supported the application provided that the exterior area rented by Mr. Bankuti at the site is clearly defined; from the Police Chief dated October 17, 1975 which indicated no objection; and from the Fire Chief dated October 30, 1975.

The Executive Secretary read the Fire Chief's October 30 report, which indicated that a problem existed at the site with regard to an accumulation of rubbish and car parts in the rear yard.

Mr. Bankuti expressed his intention to buy, repair, and sell used cars at his place of business, and he stated that his display area would be the outside area to the front of his section of the building and to the south of the divider to the stockade fence. Mr. Bankuti reported that he has removed the material mentioned in the Fire Chief's report, and Selectman Toomey, who had inspected the site, confirmed his statement.

The Executive Secretary questioned the Zoning Enforcement Agent as to any limitations with regard to the number of cars, and Mr. White responded that the bylaw relating to lot coverage and intensity regulations might be applicable.

Mr. Bankuti mentioned that the original permit to allow the operation of his business received from the Board of Appeals allowed eight unregistered cars to be at his location and he now estimated that in conducting his proposed operation he would have no more than twenty cars at any one time.

In response to a question from the Board, the Zoning Enforcement Agent stated that the proposed operation would comply with the site plan as it now stands.

Town Counsel called the Board's attention to Article IX, III, C, 2, e of the Sudbury Bylaws, which permits garages for the sale and repair of new and used motor vehicles to be located in industrial districts if a permit for this use is granted by the Board of Appeals. Also discussed was the fact that a new permit for this purpose would be necessary if the original permit did not include a provision for the sale as well as the repair of cars.

The Executive Secretary was directed to obtain a copy of the original Board of Appeals' permit to Mrs. Eileen Whitworth, owner of the property.

Selectman Toomey endorsed the activity proposed by Mr. Bankuti for this location, and it was on his motion unanimously

VOTED: To approve the granting of a Class II Used Car Dealer's License to Stephen Bankuti to buy and sell second-hand motor vehicles at 9 Old County Road, subject to the approval of a permit from the Board of Appeals, if necessary.

American Legion Post 191 - Extension of Beverage Serving Hours

In response to a communication dated October 27, 1975 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 15, 1975, from 12:00 Midnight until 1:00 a.m. on Sunday, November 16, 1975, on the occasion of the Legion's annual installation of new officers.

Horse Pond Road Walkway Easement

In response to Town Counsel's request following his memorandum dated October 27, 1975 to the Highway Commission relative to completion of the Horse Pond Road walkway where it crosses the B & M Railroad, it was on motion unanimously

VOTED: To approve a petition dated November 3, 1975 to the Middlesex Board of County Commissioners, as prepared by Town Counsel, to alter the Horse Pond Road crossing at the Boston and Maine Railroad.

As the County Commissioners had earlier indicated that they will not be ready to respond to the petition by the December 15 Special Town Meeting, it was agreed to exclude an article for the taking of the land at the next Special Town Meeting.

Special Speed Regulations #241-A - Department of Public Works

Chairman Taft stated that the Board had, at its meeting on October 28, voted to table the question of approving Special Speed Regulations #241-A until receipt of a report on the matter from the Highway Commission.

Chairman Taft reported that the Highway Commission's report on the matter dated October 29, 1975 has since been received which advised the Selectmen that the Commission has no objection to the approval of the Regulations.

It was on motion unanimously

VOTED: To approve Special Speed Regulations #241-A as submitted by the Department of Public Works.

Site Plan Application #75-153, 99 North, Inc., 99 Restaurants, 698 Boston Post Road

Present: Mr. Doe, applicant, Paul Whitney's associate; Mr. William F. Brewin, attorney for property owner; Francis E. White, Zoning Enforcement Agent

In accordance with Sudbury Bylaw, Article IX, Section V, Paragraph A, the Selectmen held a hearing on the site plan application of 99 North, Inc., 99 Restaurants, for location at 698 Boston Post Road.

The Executive Secretary reported that all abutters and appropriate Town boards had been notified and that the following reports had been received: from the Zoning Enforcement Agent dated October 8, 1975, which recommended approval; from the Board of Health dated October 23, 1975, which recommended that a proposed sewage disposal system designed for the assigned seating capacity be submitted and shown on the site plan before the issuance of a building permit; from the Planning Board dated October 23, 1975, which recommended approval and cited five points for hearing discussion and/or indication on the site plan; and from the Sign Review Board dated October 23, 1975, which indicated its approval of the proposed sign.

The Zoning Enforcement Agent described the site plan to the Board.

Selectman Toomey stated that he was familiar with the successful Boston and suburban operations of Mr. Doe and Mr. Whitney and endorsed their Sudbury proposal.

Selectman Powers asked for the grade from the business property to the residential property in the rear, and it was established that there exists only a three-foot difference and that no banking would be required.

Mr. Doe stated that there would be minor exterior structural changes made to the present building, and some modifications to the interior for operational purposes. A photograph showing the proposed exterior of the building was shown to the Board.

Chairman Taft requested that a nine-foot maximum height for the lamp posts and a six-foot minimum height for the screening shrubs be indicated on the plan and Mr. Doe was in agreement.

Selectman Powers requested that the septic system, when approved by the Board of Health, be shown on the plan, and Mr. Doe was in agreement.

After further discussion, it was on motion unanimously

VOTED: To approve the site plan dated September 24, 1975, of 99 North, Inc., 99 Restaurants, for location at 698 Boston Post Road, subject to the approval of a septage disposal system by the Sudbury Board of Health and the State Department of Public Health.

Selectmen's Capital Improvement Program

The Board had received a request dated October 1, 1975, from the Long Range Capital Expenditures Committee relative to submission of board project reports for their 1976-1981 Capital Improvement Program.

The Executive Secretary recommended that the Selectmen's capital improvement program as agreed upon last year be retained and he had earlier prepared for the Board's review the following proposals:

1) Police/Fire Headquarters for location on the so-called Oliver Land -- to be initiated in 1976 at the Annual Town Meeting for construction in two stages, each at an estimated cost of \$400,000 -- for a total estimated cost of \$800,000.

2) Town Hall Renovations -- to be initiated in 1978 at the Annual Town Meeting for an estimated cost of \$260,000.

Discussion followed during which it was agreed to delay program initiation for each of the two proposals for a period of one year, and it was on motion unanimously

VOTED: To approve the submission of the Selectmen's capital improvement program as prepared by the Executive Secretary with the date changes referenced above.

#### Minutes

It was on motion unanimously

VOTED: To approve the executive session minutes of October 27, 1975, and the regular and executive session minutes of October 28, 1975.

#### December 15, 1975 Special Town Meeting - Selectmen's Articles

Chairman Taft reported that the Selectmen had met on October 29 with the members of the Sudbury School Committee, who had indicated that they would submit articles on the following subjects for the warrant of the December 15, 1975 Special Town Meeting:

- 1) \$17,000 for repair of the Noyes School roof;
- 2) \$79,000 supplementary budget; and
- 3) \$21,000 for unpaid bills incurred in 1974-75. This subject may be included in the article for their supplementary budget.

Selectman Toomey reported that he was unprepared, at this time, to discuss or vote on any of the Selectmen's proposed articles other than that to rescind the vote of the 1963 Annual Town Meeting establishing the Highway Commission until he has received additional information on the subjects.

It was on motion unanimously

VOTED: To include in the warrant for the December 15, 1975 Special Town Meeting an article to rescind the vote of the 1963 Annual Town Meeting establishing the Highway Commission;

and it was further

VOTED: To schedule a special meeting for 8:00 a.m. Thursday, November 6, 1975, for the purpose of discussing the Selectmen's articles for the December 15 Special Town Meeting.

Expanded Local Telephone Calling Area - Department of Public Utilities

Town Counsel reported that he had been unable, as yet, to obtain a hearing date from the Department of Public Utilities on the matter of expanding the Sudbury local calling area.

Disposal of Scrap Metal - Sanitary Landfill

The Board received a letter dated October 30, 1975 from the Highway Commission which requested the Selectmen's permission to dispose of scrap metal collected at the Landfill. The letter indicated that because of recent citations from the Board of Health, the Superintendent has been directed to bury the material if such permission has not been received by November 5, 1975.

The Executive Secretary read the Commission's earlier request on the subject dated October 17, 1975 and the Board's October 24, 1975 response, which called to the Commissioners' attention Article XII, Section 1 of the Sudbury Bylaws, which provides for such disposition, and which indicated the Board's direction to the Executive Secretary to ask that the Highway Commission specify the particular materials they wish to sell and their methods for such disposal.

Selectman Powers stated that for the last one-and-one half years an extended discussion, including the Haskins & Sells report, has taken place on the methodology for disposal of landfill material. Selectman Powers questioned the reluctance of the Highway Commission to respond to the Board's October 24 request and expressed his opinion that it was not unreasonable to expect them to do so.

Discussion continued, following which the Executive Secretary was directed to contact Mr. Galeota, Chairman of the Highway Commission, on November 4 in an effort to resolve the matter and to convey the Board's consensus that it would be unconscionable to bury the scrap material, as the Town not only would receive no money from its sale, but would also needlessly use the landfill resources in the filling operation.

Miss Florence A. Hosmer

The Executive Secretary reported the receipt of a note from Miss Florence Hosmer, thanking the Board for its gift of roses and card on the occasion of her ninety-fifth birthday.

House Bill 5398

The Executive Secretary reported that House Bill No. 5398, the petition of Kevin H. White and John F. Melia that assessors of cities and towns be permitted to use different methods in determining the full fair cash value of property, had passed the House and was on the Senate's calendar for today. Mr. Thompson reported that he had earlier spoken with Senator Atkins and had sent telegrams to the local representatives on the matter. Mr. Thompson reported that he had again spoken with Senator Atkins today and that Senator Atkins was to have called him back when the Senate vote was taken.

Mr. Thompson also reported that Senator Atkins had expressed the same concerns with the bill as had the Selectmen and had stated that he could not support the bill as presently drafted.

Special Town Meeting Articles - Finance Committee

The Executive Secretary reported that the Finance Committee had requested that the Board meet with them to discuss the Selectmen's articles proposed for the December 15 Special Town Meeting, and he advised the Board of the dates set aside by that Committee for this purpose -- 8:00 p.m. on both November 13 and November 18.

Town of Boxborough - Fiscal Year 1976 State Budget

The Executive Secretary reported receipt of an informational copy of a letter dated October 29, 1975 from the Selectmen of the Town of Boxborough to Senator Chester Atkins, which requested that Senator Atkins attend the November 3 meeting of the Boxborough Selectmen to explain his action on the recent Senate vote and voting procedure relative to the passage of the Fiscal Year 1976 State Budget.

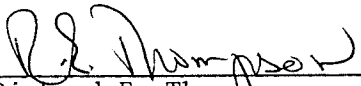
Executive Session

At 9:05 p.m., it was on motion unanimously

VOTED: To enter into executive session for the purpose of discussing matters which, if made public, might adversely affect the reputation of an individual.

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

VOTED: To adjourn the meeting at 11:00 p.m.

Attest:   
Richard E. Thompson  
Executive Secretary/Clerk