

IN BOARD OF SELECTMEN
TUESDAY, OCTOBER 28, 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 8:00 p.m. by Chairman John E. Taft.

102 Session of Town Fathers Forum - Industry Night

Chairman Taft convened the 102nd session of the Town Fathers Forum, which had been designated as Industry Night, a summary of which is attached hereto and is a part of these minutes.

Jurors

Present: Betsey M. Powers, Town Clerk

The Board drew the names of Frederic T. Hersey, 208 Old Sudbury Road, and Virginia W. Riddell, 10 Thunder Road, to serve as jurors at Lowell Court and John C. O'Brien, 770 Boston Post Road, and Elliot A. Danburg, 57 Pine Street, to serve as jurors at Cambridge Court, all commencing December 1, 1975.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of October 20, 1975.

Kidney Foundation - Bike-A-Thon

At the request of Judith M. Birmingham, Bike-A-Thon Coordinator, Kidney Foundation of Massachusetts, Inc., in a letter dated October 17, 1975, it was on motion unanimously

VOTED: To grant permission to the above organization to hold a bike-a-thon through Sudbury on Sunday, November 9.

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

It was on motion unanimously

VOTED: To table the question of approving Special Speed Regulations #241-A as submitted by the Department of Public Works until receipt of a report on the same from the Highway Commission.

Selectmen's Capital Improvement Program

It was on motion unanimously

VOTED: To table the question of submitting the Selectmen's Capital Improvement Program to the Long Range Capital Expenditures Committee until November 3, 1975.

December 15 Special Town Meeting

It was on motion by Selectman Toomey unanimously

VOTED: To call a Special Town Meeting for Monday, December 15, 1975, in the Lincoln-Sudbury Regional High School Auditorium to provide increases for Town employees as a result of collective bargaining negotiations and to ask the Town to rescind the vote of the 1963 Annual Town Meeting to establish a Highway Commission;

and it was further

VOTED: To close the warrant for the December 15 Special Town Meeting on November 10, 1975 at 5:00 p.m.

Selectman Toomey stated that it was the Board's understanding that the Sudbury School Committee will submit an article for the Special Town Meeting for a substantial supplementary budget and that the Board has requested to meet with them to discuss this matter.

Litigation - Highway Investigation

The Executive Secretary announced the Board's vote in executive session on October 27, 1975, to direct Town Counsel, in compliance with General Laws, Chapter 44, Section 62, to prepare a report on the matter of the Highway investigation for the Selectmen's review before submission to the District Attorney of Middlesex County.

Site Plan #75-154, Buddy Dog Humane Society, Inc., 151 Boston Post Road

Present: Edward E. Kreitsek on behalf of Buddy Dog Humane Society, Inc., applicant; Francis E. White, Zoning Enforcement Agent; Frederick Roth, District Manager of Boston Edison Company; Paul McNally, Chairman of the Planning Board; John Kuhlmann of Kuhlmann, Inc., developer for Buddy Dog Humane Society; Arthur G. Margello, Plant Manager of Union Carbide; and Edward Sokoloff, citizen

In accordance with the Sudbury Bylaws Article IX, Section V, Paragraph A, Chairman Taft convened a hearing on the site plan application of Buddy Dog Humane Society, Inc., for location at 151 Boston Post Road.

The Executive Secretary reported that all abutters and appropriate Town agencies had been notified and the following reports received: that of the Zoning Enforcement Agent dated November 16, 1975 recommending approval; that of the Board of Health dated October 23, 1975, recommending approval; that of the Planning Board dated October 23, 1975, which recommended conditional approval if the Boston Edison pole at the corner of the property is relocated; from the Police Chief dated October 28, 1975, who found no objection; and from the Sign Review Board which indicated its approval of the proposed sign.

The Executive Secretary reported that the following letters had been received from the Board of Directors of the Buddy Dog Humane Society: from Jacqueline Sheinfeld, Recording Secretary, Board of Directors, Buddy Dog Humane Society, Inc., dated October 14, 1975, which set forth the Directors' vote to proceed with implementation of their plans and from Theodore S. Thompson of Boston dated October 11, 1975, who indicated his and other members' of the Board of Directors interest and participation in the Society's action for building the Sudbury facility.

Mr. Roth stated that the property had been purchased from Boston Edison Co.,

who has no objection to their proposal.

In answer to a question from Chairman Taft, Mr. Roth stated that abutter Boston Edison Co. does not anticipate a common driveway with Buddy Dog Humane Society.

Mr. Kreitsek expressed the Society's sincere gratitude to Mr. Roth for Boston Edison's activity in making this land available to them.

Mr. Thompson reported that the Board had also received a copy of a communication dated October 23, 1975, from Alfred Halper, Trustee of the Buddy Dog Foundation, to the Planning Board, which he then read. The letter expressed Mr. Halper's concern that the site plan, as submitted, violates the provisions of Sudbury Bylaws Article IX, V, C "Vehicular Access", as the property in question has less than 200 feet of street frontage in an industrial district. Mr. Halper requested that approval of the site plan and the issuance of a building permit be withheld, as, in his opinion, such issuance would be challenged and cause harm to the Society.

The Executive Secretary referenced a second letter from the Planning Board, dated October 28, 1975, which set forth that Board's unanimous consensus that there is no conflict relating to its approval and the zoning bylaw cited by Mr. Halper.

The Zoning Enforcement Agent stated that he had recommended approval of the site plan and that he had contacted Town Counsel concerning Mr. Halper's letter, and that Town Counsel had agreed that in this particular case, this bylaw does not apply.

Mr. McNally reaffirmed the Planning Board's recommendation for approval of the site plan, stating that, in their opinion, the spirit of this bylaw is to restrict the number of openings within a 200 foot expanse.

Mr. Kreitsek displayed the architect's rendering of the Buddy Dog facility and described the floor plan which includes thirty-six pens and associated runs, thirty-four cages for smaller dogs, and areas for isolation and whelping.

In response to the Board's question about precautions to prevent excessive barking, Mr. Kreitsek stated that they plan to care for the dogs in a manner which would prevent excessive barking, that the dogs would be exercised regularly and that the interior rooms in which the dogs will be housed while inside contain no windows, which will create a degree of soundproofing.

Mr. Kreitsek stated that Boston Edison plans to relocate the utility pole (the condition mentioned in the Planning Board's October 23 letter) from within the layout of the proposed driveway to the edge of the property line in an area of trees. Mr. Kreitsek stated that the relocation would not increase the lines along the Boston Post Road and that the wires from the relocated pole to the facility will be placed underground.

Town Counsel was asked to respond to Mr. Halper's October 23, 1975 letter concerning Article IX, V, C, and he asked for opinions as to whether the proposal is for a purpose consistent with those for which the industrial district was established.

Mr. McNally and the Zoning Enforcement Agent answered in the affirmative and attention was directed to Article IX, III, C, 2, i, which permits the operation of animal shelters and related activities in industrial districts by a non-profit organization, provided that a permit for such use is granted by the Board of Selectmen.

Town Counsel stated that if it were determined that the proposed use was not a business or industrial one, then Article IX, V, C would not apply and if it were determined that the use was a business or industrial one, as would seem to be the case, in his opinion, the intent of Article IX, V, C would permit one driveway having a width of not more than twenty feet.

Mr. Arthur C. Margello, Plant Manager of Union Carbide, an abutter, expressed his company's endorsement of the proposal.

Mr. Kreitsek introduced Mr. John Kuhlmann who will be the developer of the facility.

Mr. Edward Sokoloff reported that at the time of Buddy Dog Society's sale of their original land to Mr. Kuhlmann, where the Wayside Plaza now stands, Mr. Kreitsek had taken the trouble to introduce Mr. Kuhlmann to the area residents and to make them aware of his plans for the property. Mr. Sokoloff also stated that the Society intends to maintain the island at the intersection of Goodman's Hill Road and the Boston Post Road.

In response to Selectman Powers' question, Mr. Kreitsek stated that the only vehicle associated with the operation would be the one used for the transportation of the animals.

After further discussion, on the recommendation of Town Counsel, it was on motion by Selectman Toomey unanimously

VOTED: To approve the site plan dated October 12, 1975, of the Buddy Dog Humane Society, Inc., for location at 151 Boston Post Road, with the condition that the applicant obtain a permit from the Board of Selectmen for the contemplated use, in accordance with Article IX, Section III, C, 2, i. Approval of the above-referenced site plan is limited to the operation of a non-profit animal shelter and associated uses.

Council on Aging

Present: Colonel Paul J. Leahy

Colonel Leahy met briefly with the Board to advise them of the Council on Aging's plan to run a free bus service from either the rear of the Town Hall or the Memorial Congregational Church parking lot to Shoppers World or Natick Mall one day every other week. Col. Leahy stated that the Council had contacted the company which holds the contract for the Sudbury schools in this regard. He stated that the Council has sufficient money to operate such a system and that he has spoken with Mr. Coe of the Sudbury Bus Transportation Committee as to possible conflict with their plans, who had stated that the Committee would have no objection.

The Selectmen endorsed the Council's proposal and thanked Col. Leahy for advising them of their plan.

Tax Possession Parcels - Deeds

Town Counsel presented a series of deeds for the Board's signature to complete the conveyance of property sold at the October 18 auction of Tax Possession Parcels.

After discussion, it was on motion unanimously

VOTED: To authorize the Selectmen to sign the deeds, all dated October 28, 1975, following the sale at the October 18 public auction of the following list of properties:

Lots 26 and 27, Hudson Road, by William G. and Janet A. Perry for the sum of \$1,000. (TPP #123)

Lot 126, Reeves Street, by Vincent E. and Margaret Adametz, for the sum of \$400. (TPP #118)

Lot 363, Hudson Road, by Thomas J. and Martha M. Reiss, for the sum of \$400.00 (TPP #41)

Lot 165, Reeves Street, by Kenneth W. and Cora S. Clark, for the sum of \$400.00 (TPP #153)

Lot 37, Center Street, by Louis J. and Evelyn J. Yered, for the sum of \$1,000. (TPP #126)

Lots 44 and 45, Pinewood Avenue, by Robert D. McCart, for the sum of \$400.00 (TPP #70)

Lots 21 and 22, Willis Lake Drive, by Robert D. McCart, for the sum of \$500.00 (TPP #164)

Lot 127, Reeves Street, by David A. Black, for the sum of \$400.00 (TPP #104)

Lots 11 and 12, Hudson Road, by Robert William and Marjorie A. Filleul, for the sum of \$400.00 (TPP #42)

Lot 362, Hudson Road, by Thomas J. and Martha M. Reiss, for the sum of \$400.00 (TPP #165)

Tim Jones Lot, Mossman Road, by Liberty Ledge Real Estate Trust, Abraham Boris, trustee, for the sum of \$3,000.00 (TPP #60)

Lots 28 and 29, Hudson Road, by Richard M. and Gloria J. Healy, for the sum of \$1,000.00 (TPP #123)

Lot 31, Stockfarm Road, by Kathryn DiModica, for the sum of \$5,000.00 (TPP #140)

Lots 13 and 14, Hudson Road, by Howard R. and Anne N. Lehr, for the sum of \$400.00. (TPP #163)

Lots 19 and 20, Hudson Road, by George D. White, Jr., for the sum of \$400.00 (TPP #143)

and it was further

VOTED: To reject the bids of October 18, 1975, as follows:

That of Ronald J. and Nancy R. Ragno for Lot 18, East Street, in the amount of \$400.00 (TPP #49); and

That of Kathryn DiModica for Lot 73, Christopher Lane, in the amount of \$3,800.00. (TPP #141).

Classification Plan and Salary Schedule - Engineering Department

Present: James V. Merloni, Town Engineer

The Board had earlier received a proposal for an upgraded classification plan and salary schedule dated October 6, 1975, from the Town Engineer, which was now discussed with the Town Engineer.

The Board reviewed the proposal, following which they requested Mr. Merloni to submit additional backup data, and until such time will take the matter under advisement.

The Executive Secretary suggested and the Board agreed that following receipt of the additional data, he and the Town Engineer further discuss the matter prior to resubmission to the Board.

Executive Session

At 11:15 p.m., it was on motion unanimously

VOTED: To enter into executive session for the purpose of discussing department head merit reviews.

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

VOTED: To adjourn at 12:00 p.m.

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