

IN BOARD OF SELECTMEN  
MONDAY, APRIL 26, 1976

Present: Chairman William F. Toomey, John C. Powers and Ira M. Potell

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

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and the executive session of April 12, 1976 and the special meeting of April 22, 1976.

Applications for Weekday and Lord's Day Entertainment Licenses - 99 West, Inc.,  
694-8 Boston Post Road

After consideration and discussion, it was on motion unanimously

VOTED: To approve the application dated April 15, 1976 of 99 West, Inc., for a Lord's Day entertainment license for their restaurant located at 694-8 Boston Post Road; and it was further

VOTED: To approve the application dated April 15, 1976 of 99 West, Inc., for a weekday entertainment license for their restaurant located at 694-8 Boston Post Road.

The Board requested the Executive Secretary to ensure that the location of the entertainment area was shown on the site plan for 99 West, Inc.

Application - All Alcoholic Beverages Pouring License - Antonio Giovane, Pizza alla  
Pietra, 447 Boston Post Road

The Executive Secretary reported that he had prepared an advertisement, for the Board's review, in response to the application of Antonio Giovane, Pizza alla Pietra, for an all alcoholic beverages pouring license for the premises located at 447 Boston Post Road.

The Executive Secretary stated that it was his recommendation that a hearing on this matter be held on May 10, 1976 at 8:30 p.m.

Mr. Thompson reported that the Town is authorized to issue sixteen annual licenses for the sale of all alcoholic beverages and that, to date, seven such licenses have been issued.

Following a brief review of the application referenced above, the Board requested that ownership of the business be verified, and the Executive Secretary was directed to proceed with advertising the hearing.

Board of Appeals - P. O. Ahlin Communication

The Board received a communication dated April 13, 1976 from Philip O. Ahlin, who requested that he not be reappointed as a member of the Board of Appeals.

It was on motion unanimously

VOTED: To direct the Executive Secretary to acknowledge Mr. Ahlin's communication, expressing the Board's appreciation for his five years' service on that Board.

Resignation - Conservation Commission

The Board received a communication dated April 14, 1976 from Joseph P. Tratnyek, who tendered his resignation effective May 1, 1976, from the Conservation Commission and the Growth Policy Committee.

It was on motion unanimously

VOTED: To accept the resignation of Joseph P. Tratnyek, with regret, and to direct the Executive Secretary to acknowledge Mr. Tratnyek's communication, expressing the Board's appreciation for his service to the Town on the Conservation Commission and the Growth Policy Committee.

Disposal of Scrap Metal - Highway Department

The Board received a communication dated April 12, 1976 from the Highway Surveyor relative to disposal of certain Town-owned property located at the Highway Garage.

After discussion, it was on motion by Selectman Powers unanimously

VOTED: Under the provisions of Article XII, Section 1 of the Sudbury Bylaws, to approve the disposal, by the Highway Department, of the old roller and the old shovel located behind the Highway Garage, in accordance with their request dated April 12, 1976.

The Executive Secretary reported that the pile of scrap metal, for which an earlier bid award had been made, has been removed from the sanitary landfill and payment for the same has been received by the Treasurer.

Utility Petitions #76-44, 76-45, 76-46, 76-47, 76-48 and 76-49 - Robbins, Howell, Ruddock, Victoria, Warren, and Thunder Roads

The Executive Secretary reported that the existence of the poles listed on Utility Petitions #76-44, -45, -46, -47, -48, and -49 at the locations described in the petitions had been confirmed by the Wiring Inspector verbally on March 29, 1976 (UP76-44 and -45), by memorandum dated April 14, 1976 (UP76-46, -47, and -48), and by memorandum dated April 23, 1976 (UP76-49).

It was on motion by Selectman Powers unanimously

VOTED: To confirm the existence, upon property accepted by the Town as public ways, of Boston Edison and New England Telephone and Telegraph Company poles, as follows:

UP#76-44 - ROBBINS ROAD - 13 poles  
UP#76-45 - HOWELL ROAD - 4 poles  
UP#76-46 - RUDDOCK ROAD - 9 poles  
UP#76-47 - VICTORIA ROAD - 9 poles  
UP#76-48 - WARREN ROAD - 6 poles  
UP#76-49 - THUNDER ROAD - 4 poles

Mapping of HUD Flood Hazard Areas

The Board received an informational memorandum dated April 16, 1976 from the Town Engineer and the Town Planner relative to the mapping of the HUD Flood Hazard designated areas.

Petition for Legislation - Article 16 - 1976 Annual Town Meeting

It was on motion unanimously

VOTED: To sign a petition for legislation relative to Town Clerk fees, in accordance with the vote under Article 16 of the 1976 Annual Town Meeting for submittal at the 1977 legislative session.

Reserve Fund Transfer Request

Following consideration, it was on motion unanimously

VOTED: To approve a request (#0675) for a reserve fund transfer to Account 950-94, Copy Service, in the amount of \$1,000 to provide for unforeseen increases in expenses related to supply costs and in the use of the copy service.

Proclamation - May 1976 - High Blood Pressure Month

It was on motion by Selectman Potell, unanimously

VOTED: To sign a proclamation which designates the month of May 1976 as High Blood Pressure Month in the Town of Sudbury, in accordance with a request dated April 22, 1976, from the Sudbury Public Health Nursing Association.

Site Plan Application #76-163 - Gibbs Oil Company - 465 Boston Post Road

Present: Francis E. White, Zoning Enforcement Agent/Building Inspector; Francis Kilburn, representing Gibbs Oil Company; Jose Reis, Construction Manager for Gibbs Oil; Fire Chief Josiah Frost

In accordance with Article IX, Section V, Paragraph A, of the Sudbury Bylaws, the Board considered the site plan of Gibbs Oil Company, 465 Boston Post Road.

The Executive Secretary reported that all appropriate Town officials and abutters had been notified of tonight's hearing and that the following reports had been received: from the Zoning Enforcement Agent dated March 30, 1976, who reported that installation of the canopy as indicated on the site plan would be in violation of Sudbury Bylaws Article IX, IV, B and Article IX, IV, C, 2b; from the Planning Board, dated April 7, 1976, with comments; and from the Conservation Commission, dated April 14, 1976, which commented that as no wetlands were involved the Commission has no concern.

Mr. Reis described the proposed changes, which included the removal of the existing building and pump islands and the construction of a kiosk to be used for a cashier's control and new pump islands, with a 50' x 60' canopy overhead.

Mr. Reis described several fire prevention systems which might be used at the station.

Fire Chief Frost stated that plot plans and specifications for self-service gasoline dispensing systems must be submitted to the State Fire Marshal for approval, in accordance with the provisions of Rule No. 43, FPR-4, as well as to the local Fire Chief.

In response to the Board's question, Captain Frost stated that it would be his recommendation that an advanced safety system be used, which would provide for nozzles to be located both above the pumps and at the level of the pump island.

In response to Selectman Powers' question as to how the construction of the proposed canopy would violate the zoning bylaws, Mr. White stated that the canopy would have insufficient setback from the rights-of-way; specifically, 25' from the Boston Post Road and 18' from Nobscot Road and would require a variance from the Board of Appeals.

The comments listed in the Planning Board's April 7 letter were then discussed, and the applicants stated that they would work on landscaping details in conjunction with the PRIDE organization.

Selectman Powers asked if the applicant had reviewed the State's reconstruction plans for drainage and widening of the Boston Post Road and he suggested that it might be possible to take advantage of these plans for disposal of surface water from the site.

Chairman Toomey suggested that, as the plot plans and specifications must be submitted to the Fire Chief and to the State Fire Marshal, the hearing be continued at a later date.

As the expiration date for this application is May 8, Chairman Toomey then suggested that the application be denied without prejudice and be resubmitted without the filing fee.

Selectman Powers requested that the proposed landscaping and drainage be shown on the plan.

After further discussion, it was on motion unanimously

VOTED: To deny, without prejudice, the site plan for Gibbs Oil Company, 465 Boston Post Road, with further consideration of a more inclusive plan to be scheduled at a later date through the office of the Zoning Enforcement Agent.

Town Fathers Forum - 107th Session

A summary of the 107th session of the Town Fathers Forum is attached hereto and is a part of these minutes.

Capital Improvement Program 1976-81

The Executive Secretary reported on the breakdown of costs for printing the Capital Improvement Program for 1976-81. Mr. Thompson reported that the total cost was \$432.62, which has been paid from Account 501-81, Selectmen's Surveys and Studies.

Proposed 1976 Equalized Valuation - Town of Sudbury

Present: Frank Grinnell, Chairman, Arthur Babigian and Donald Peirce of the Board of Assessors

Mr. Grinnell reported that the State has proposed an assessment for the Town of Sudbury of \$268,000,000, a considerable increase over the 1974 figure of \$216,000,000.

The Assessors reported that their valuation figures indicate a disparity of \$90,000,000.

Town Counsel reported that he and the Executive Secretary had attended a public hearing at the Gardner Auditorium on April 20, 1976, of the State Tax Commission at which time they stated Sudbury's intent to appeal the 1976 proposed equalized valuation.

Town Counsel further informed the Board that he and the Town Planner met with the Department of Corporations and Taxation on April 23, at which time he appealed Sudbury's 1976 proposed equalized valuation. Town Counsel stated that he would also meet with the Board of Assessors at a later date and would like a breakdown of what the earlier mentioned \$90,000,000 disparity represents before such a meeting.

Chairman Toomey asked for the Assessor's concurrence on the matter of proceeding with an appeal, and Mr. Babigian reported that the Assessors have taken a vote to ask Town Counsel to so proceed.

Selectman Powers stated that, in his opinion, there are two parts to this matter -- the first being the State's figures vs. the Town's figures, and the second being the fact that no guidelines for uniform assessing practices have been issued in connection with implementation of the decision in the Sudbury suit, nor have any answers to Sudbury's submissions to the State asking what is unacceptable in Sudbury's plan to update Town property assessments to 100%. Selectman Powers stressed the importance of continuing pressure to make sure that the State complies with the decision in the Sudbury suit.

The Board offered its full cooperation to the Board of Assessors in forming its appeal, and it was on motion by Selectman Powers unanimously

VOTED: To authorize Town Counsel to proceed, in accordance with the request of the Board of Assessors, to preserve the Town's right to appeal the proposed 1976 equalized valuation set for it by the State Tax Commission; and it was further

VOTED: To authorize Town Counsel to file a formal appeal, if that is considered necessary, with the Appellate Tax Board.

Village Green Shopping Center

The Executive Secretary reported that the Board of Appeals has scheduled a hearing for Tuesday, May 11, 1976, on Robert Quirk Realty Trust's application relative to the Village Green Shopping Center.

Vacancies - Sudbury Police and Fire Department

The Executive Secretary announced that the Board had directed both the Fire Chief and the Police Chief to proceed, as expeditiously as possible, in filling any vacancies which might be created following possible termination of police and fire personnel due to their inability to resume regular duty following extended sick leave and restricted duty after sustaining personal injuries not related to duty.

Mr. Thompson reported that he had received a letter dated April 26, 1976 from the Police Chief concerning the subject.

The Board directed the Executive Secretary to acknowledge the Police Chief's letter and to hold it for the May 3 hearing on the matter of possible terminations.

On the subject of existing vacancies in the Police Department, in response to the Executive Secretary's request, after consideration and discussion, it was on motion unanimously

VOTED: To authorize the Executive Secretary to file a requisition (Form 13) with the Director of the Division of Personnel Administration for one patrolman at the rate of \$11,044 per annum;

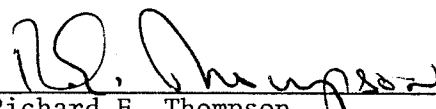
and it was further

VOTED: To authorize the Executive Secretary to appoint Richard E. Hession as a provisional patrolman in the Sudbury Police Department, in accordance with GLc31 §2A, (O), as specified in "Attachment A" of the Division of Civil Service's letter dated April 22, 1975.

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

VOTED: To adjourn the meeting at 9:35 p.m.

Attest:

  
Richard E. Thompson  
Executive Secretary/Clerk