

IN BOARD OF SELECTMEN
TUESDAY, FEBRUARY 17, 1976

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

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

Highway Investigation Report

After review, it was on motion unanimously

VOTED: To approve the final report on the Highway Investigation for submission to Town Clerk, as required by General Laws, Chapter 41, Section 23B.

Site Plan #75-160, Mill Village Realty Trust, W. L. Hall, Trustee, 361 Boston Post Road

Present: William Hall, applicant; Francis E. White, Zoning Enforcement Agent

The Board, at its February 9 meeting, tabled further consideration of the site plan for Mill Village Realty Trust, W. L. Hall, Trustee, 361 Boston Post Road, to allow Town Counsel to review Mr. Hall's existing Hatch Act Permit (#P-858) and the original Order of Conditions and to request that representatives of the Conservation Commission appear.

The Executive Secretary stated that no member of the Commission was able to be present this evening.

Town Counsel stated that he had reviewed the above-referenced Permit and the Order of Conditions, and that, although he had not checked the present site plan against the June 1971 plan, which was the basis for the Permit, he was of the opinion that whatever was allowed by the 1971 plan was still allowable, until expiration of the Permit in March 1976.

All board reports previously received were again reviewed for compliance, and, after further discussion, it was on motion unanimously

VOTED: To approve the site plan of Mill Village Realty Trust, W. L. Hall, Trustee, for property located at 361 Boston Post Road, and identified on a plan by Colburn Engineering, dated January 6, 1976, with the stipulation that the mercury vapor lights and floodlights on the south roof of the building require screening from shining on the residential zones, as specified in Sudbury Bylaws Article IX, V, J, and that the black top area south of the buildings and adjacent to the stream be curbed or provided with some other safety device; said approval being without determination as to whether or not Chapter 131, Section 40 applies.

Sudbury Revaluation Decision

The Executive Secretary reported that, due to illness, the Sudbury Board of Assessors, had requested that tonight's scheduled discussion on the status of implementation of the Sudbury Revaluation Decision be postponed.

The Board was in agreement and rescheduled the discussion for 9:30 p.m. on February 23.

Village Green Shopping Center

Present: Francis E. White, Building Inspector/Zoning Enforcement Agent; Fire Chief Josiah Frost

Chairman Taft expressed his concern with the recent activity in the Village Green Shopping Center, and he questioned the Building Inspector/Zoning Enforcement Agent as to what permits had been issued for that project.

Mr. White reviewed the building permits issued for the center.

Chairman Taft questioned whether or not the installation of a drive-in window in the bank building, which would create a change in the flow of traffic as shown on the existing site plan, would require new site plan approval. No determination of the question was made at that time.

Mr. White reported that construction involving the building located in the right rear of the property was being carried on under the original building permit, which may have expired.

In response to questions from members of the Board, Fire Chief Frost stated that he had been contacted by Messrs. Todd and Wagoner, who expressed a desire to operate a restaurant on the premises, and had worked with them concerning fire exits, fire proofing, sprinkler, smoke detection, and hood systems.

Mr. White reported that Messrs. Todd and Wagoner have proceeded with the construction of interior restaurant facilities and that such interior construction is nearly completed. Mr. White also stated that, to his knowledge, no plan for a sewage disposal system has been submitted to the Board of Health and that no common victualler's license for the premises has been granted or issued.

Chairman Taft stated that installation of the drive-in window and the connection of Buildings Nos. 2 and 3 appeared to be in violation of the Zoning Bylaws.

Mr. White reported that he had verbally directed Mr. Quirk to come in with a new site plan, with site plan modifications, for these items.

Selectman Powers repeated the abutters' and the Conservation Commission's concern with the additional surface water problems associated with the project, in an already wet area, as voiced during the hearing on the liquor license application for the planned restaurant.

Selectman Toomey requested that the Executive Secretary read a portion of the minutes of the Board's May 27, 1975 meeting, concerning the denial of a liquor license for said premises.

The Board's vote was read, as was Town Counsel's May 23, 1975 opinion on the subject of the loft areas.

Town Counsel suggested that the Board consider sending a letter to Mr. Quirk, with copies to Messrs. Todd and Wagoner, stating that it is obvious that a restaurant is being constructed in Building No. 8, and, as no common victualler license has been applied for, the Board wishes to put them on notice that all work to that end is at their own peril. Town Counsel also suggested that the Board point out that a request for a liquor license has already been denied for this location.

The Executive Secretary informed the Board that on several occasions Town officials had suggested to Todd & Wagoner that they make application for a common victualler license before proceeding with further construction. The Executive Secretary informed them of this fact, as early as last summer, on two occasions.

The Board directed the Executive Secretary to prepare a letter in accordance with the suggestions of Town Counsel. In addition, the Building Inspector/Zoning Enforcement Agent was requested to send a letter to Mr. Robert Quirk, with a copy to the bank planning to occupy the facilities in Village Green, informing the owners that no Certificate of Occupancy will be issued until a revised site plan has been submitted in proper form and approved, and that construction of the drive-in bank window and connection for Buildings Nos. 2 and 3 is in violation of the Zoning Bylaws until such approval is obtained and proper building permits obtained.

After further discussion, it was, on motion duly made and seconded, unanimously VOTED: To authorize the Assistant to Town Counsel to work with the Building Inspector/Zoning Enforcement Agent to secure or draft restraining or cease and desist orders against Robert and Bruce Quirk for any further construction or work at the so-called Village Green site (29 Hudson Road) until such time as a revised site plan for the area is submitted and approved.

Sudbury Local Calling Area - Status of DPU Case

The Board received and reviewed a proposal dated February 17, 1976, prepared by Town Counsel for a study, with optional service, for immediate relief to the extended local service problem, which was recently heard before the Department of Public Utilities (DPU).

Following review and discussion of the above proposal, it was on motion unanimously

VOTED: To approve the interim proposal, as set forth in Town Counsel's February 17, 1976 letter and to instruct Town Counsel to proceed to secure implementation of the same.

Mr. Turner reported that additional information had been requested on February 6 on the subject of the final disposition of the extended local service problem and that when this information is received, additional hearings will be held before the DPU. Mr. Turner estimated a period of a year for interim service before a final ruling relative to extended local service would be made.

Heritage Park

The Board received, from the Town Engineer, a report dated February 9, 1976, enclosing plans and specifications for proposed walkway construction and finished grading in Heritage Park.

Following review of the same, the Board expressed agreement with the development of Heritage Park as set forth in the report and plans referenced above.

Reserve Fund Transfer Request - Fire Overtime

Present: Fire Chief Josiah F. Frost

The Board received a letter dated February 6, 1976, from the Fire Chief in support of his reserve fund transfer request to his overtime account. The Board also received a related report dated February 11, 1976, from the Fire Chief on the subject of overtime coverage, which presented a detailed breakdown on coverage earlier requested by the Selectmen.

Following a lengthy review and discussion of the reports referenced above, it was on motion unanimously

VOTED: To approve a request for a transfer (#0629) in the amount of \$9,000.00 from the Reserve Fund to Account 310-12 Overtime, to cover the cost of overtime coverage for off-duty fire time, sickness, holiday pay, coverage for holidays off in lieu of pay, E.M.T. school, and vacations for the last six months of fiscal 1976.

Accept Proposal for Printing of 1976 Annual Town Meeting Warrant

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

VOTED: To accept the proposal of Central Middlesex Printers, Inc., of Lowell, for printing the 1976 Annual Town Meeting Warrant at \$14.25 per page.

1975 Annual Town Report

The Board received a letter dated February 3, 1975 from Selectman John Powers on the subject of the 1975 Annual Town Report, which requested that the Selectmen, acting as a Board, inspect the material to be sent to the printer for the 1975 Annual Town Report, prior to its forwarding to the printer.

The Board was in agreement, and the material will be reviewed by the Executive Secretary and Chairman Taft.

Farming of the Davis Land

The Board received related letters from the Watertown Dairy, Inc., and Stephen B. Verrill, dated February 10, 1976, and received February 10, 1976, respectively, which requested the Board's permission to farm the Davis Land during 1976.

The Executive Secretary reported that both proposals were known to Mr. Carter of the Park and Recreation Commission, who had indicated his desire to accept Mr. Verrill's proposal, as he had farmed this land for the past eight years.

Following discussion, it was on motion unanimously

VOTED: To grant the rental of the portion of the Davis Land under the control of the Selectmen to Stephen B. Verrill of Concord, for the sum of \$700 for one year, with the terms of the lease to be drafted by Town Counsel, in accordance with the terms in Mr. Verrill's letter referenced above.

Article 2 - 1976 Annual Town Meeting

The Board received a communication dated February 6, 1976, from Town Accountant John Wilson in which he proposed the rescinding of past authorizations to the Treasurer to borrow money for certain specific purposes, which were never exercised.

Town Counsel had drafted an amendment to the motion under Article 2, Temporary Borrowing, for the 1976 Annual Town Meeting to accomplish this objective, and following its review, it was on motion unanimously

VOTED: To amend Article 2, Temporary Borrowing, of the 1976 Annual Town Meeting in the words of Town Counsel.

Application for Incorporation

The Board, at its meeting on February 2, 1976, voted to table further consideration of the application of Hans Bengtsson, 102 Dutton Road, for incorporation under the name of New England Orienteering Club, Inc., to be located in the Town of Sudbury, until tonight's meeting to allow receipt of information as to whether the address at 102 Dutton Road is to be used for mailing purposes only or for the conduct of the activity.

The Executive Secretary reported that in telephone conversation with Mr. Bengtsson, he had been assured that the 102 Dutton Road address is for mailing purposes only and that Mr. Bengtsson would forward a letter to that effect.

It was on motion unanimously

VOTED: To prepare a favorable report to the Secretary of the Commonwealth on the application of Hans Bengtsson for incorporation under the name of New England Orienteering Club, Inc., to be located in the Town of Sudbury, to be forwarded to the State upon receipt of the appropriate letter from Mr. Bengtsson.

Extension of Alcoholic Beverage Service - Wayside Inn

In response to a request from Innkeeper Francis Koppeis, dated February 11, 1976, it was on motion unanimously

VOTED: To grant permission to the Wayside Inn to extend the hours of alcoholic beverage service on Friday, February 20, until 1:00 a.m. Saturday, February 21, 1976, in order to accommodate the Policemen's Ball.

Release of Bicentennial Dance Funds

The Board received a request dated February 13, 1976, from the Chairman of the Revolutionary War Bicentennial Committee relative to release of last year's Bicentennial Dance funds for specific upcoming bicentennial events.

Following discussion, it was on motion unanimously

VOTED: To approve an advance of \$1,500 from the Bicentennial Dance Fund bank account as "seed money" for use by the Bicentennial Dance Committee toward expenditures for the July 4, 1976 Ball.

It was further

VOTED: To approve an advance of \$500 from the Bicentennial Dance Fund bank account for printing and related costs for a mail cachet designed by Helene Sherman, which will be sold by the Revolutionary War Bicentennial Committee;

and it was further

VOTED: To authorize the use of the Town Seal on the mail cachet referenced above.

Special Town Meeting

The Selectmen discussed the possibility of calling a Special Town Meeting within the 1976 Annual Town Meeting for the purpose of providing funds to cover the collective bargaining negotiations with the Fire Department.

Town Counsel stated that it was his opinion that a Special Meeting for this purpose could be called under the provisions of the Bylaws dealing with an emergency situation.

The Executive Secretary was directed to reschedule this matter on the agenda for February 23 for further discussion.

Wayland-Sudbury Septage Disposal Facility Agreement

Selectman Powers reported that he had received a letter dated February 12, 1976 from Wayland Road Commissioner Virginia Casale, enclosing amendments to the Septage Disposal Agreement which were proposed by the Town of Wayland.

Chairman Taft and Selectman Toomey questioned the authority and duties of the Committee to operate the facility; specifically, the makeup of the Committee that was referenced in Section IV.

The Executive Secretary was directed to forward copies of the proposed amendments to the members of the Board for review.

Executive Session

At 10:30 p.m., following an unanimous affirmative roll call vote, it was on motion unanimously

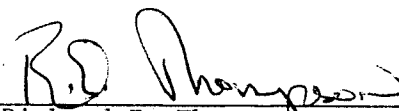
VOTED: To enter into executive session for the purpose of discussing transactions in real property where open discussion might have a detrimental effect on such transactions.

Chairman Taft announced that the regular meeting would not reconvene following the executive session.

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