

IN BOARD OF SELECTMEN
MONDAY, MARCH 1, 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 Acting Chairman William F. Toomey.

Selectmen's Special Meetings - March 30 and March 31, 1976

After discussion, it was on motion by Selectman Toomey unanimously

VOTED: To cancel the regular meeting of March 29, 1976, Election Day.

It was further

VOTED: To schedule a special meeting on Tuesday, March 30, for the purpose of reorganization of the Board and discussion of the Selectmen's positions on articles for the 1976 Annual Town Meeting; and it was further

VOTED: To schedule the Warrant Review for 8:00 p.m. on Wednesday, March 31, 1976.

Site Plan Application #76-161, Fotomat Corporation, First National Parking Lot, 425 Boston Post Road

Present: Francis E. White, Zoning Enforcement Agent; Frank Vana, property owner; Timothy Keeley, applicant

At 7:45 p.m., in accordance with Article IX, V, A of the Sudbury Bylaws, Chairman Taft opened consideration of the site plan application of Fotomat Corporation, to be located in the First National Parking lot, 425 Boston Post Road.

The Executive Secretary reported that the appropriate Town officials and abutters had been notified and that a report dated February 4, 1976 had been received from the Building Inspector, which recommended approval. Mr. Thompson further reported that a second report, dated February 9, 1976 was then received from the Zoning Enforcement Agent, which recommended that the site plan be rejected, without prejudice, until action is taken by the Board of Appeals relative to the non-conforming status of the use because of recent rezoning of the location from business to limited business.

The Executive Secretary reported that the Board had also received a report from the Planning Board, which supported the February 9 report of the Zoning Enforcement Agent and recommended, should the Board of Appeals rule in favor of the applicant, that changes be made to the site plan relative to relocation of the Fotomat building in an easterly direction to remove it from the direct flow of traffic in and out of the shopping center via the easterly exit, that the total parking requirements at the shopping center site be reviewed, and that traffic patterns in and out of the proposed building be coordinated with existing traffic flow patterns to the shopping center.

Mr. Thompson reported that the application of Fotomat Corporation and the property owner for a variance to operate in a limited business area will be heard by the Board of Appeals on Tuesday, March 16, 1976.

After a review of the parking space requirements, it was agreed that adequate spaces are provided in the proposed location and that there presently exist thirty or more spaces in addition to the 260 spaces which are required for the shopping center.

Mr. Vana reported that the applicant has agreed to resurface and reline the parking area for the golf driving range and the Fotomat building and to provide landscaping to the front of the property in this area, along the Boston Post Road.

Mr. White reported that a notarized statement, dated January 5, 1976, had been received from Antonio Giovane, Manager, Pizza alla Pietra, 447 Boston Post Road, agreeing to permit Fotomat Corporation employees the use of their restroom facilities during working hours.

After further discussion, it was on motion unanimously

VOTED: To deny site plan application #76-161, Fotomat Corporation, to be located in the First National Parking lot, 425 Boston Post Road, without prejudice, pending a determination by the Board of Appeals relative to the applicant's request for a variance to operate in a limited business zone.

Selectman Toomey, noting the poor quality of reproduction of mimeographed hearing notices from the Board of Appeals, requested that future such notices be retyped before being copied for distribution to the Board.

1975 Annual Town Report

Chairman Taft reported that, in accordance with a previous vote of the Board, he and the Executive Secretary had reviewed the final draft of the 1975 Annual Town Report. Chairman Taft reported that several corrections had been made, that the report was 95 pages in length, and was, in his opinion, a good one. He further reported that the 1975 Annual Town Report is different than those printed in previous years and that the Town will now have a choice of formats for future publications.

Article 22 - Data Processing

Chairman Taft reported that, in accordance with a previous vote of the Board, the report on Article 22, Data Processing, of the 1976 Annual Town Meeting had been re-drafted by the Executive Secretary, who had done an excellent job.

Application for Storage of Inflammables, A. C. Morgello, Union Carbide, 141 Boston Post Road

Present: Francis E. White, Zoning Enforcement Agent

In accordance with the provisions of Chapter 148 of the General Laws, the Board, acting as the Licensing Authority for the Town of Sudbury, held a public hearing on the application of A. C. Morgello, Union Carbide Corporation, Linde Division, 141 Boston Post Road, for a license to store inflammables as follows:

Above ground, 10 55-gallon drums Ethylene Oxide (550 gallons); plus

Underground, 5000 gallons Diesel Oil; on property located at 141 Boston Post Road, Sudbury.

The above application is for storage in addition to the present, approved storage of 4000 gallons Gasoline, 5000 gallons Diesel Oil, 1153 gallons Hydrogen Gas, 1500 gallons Acetone, and 500 l.cc. - cylinders Acetylene.

Chairman Taft reported that the Board, at its February 19 meeting, had voted to approve the Executive Secretary's request to readvertise this storage permit application as the previous ad had been incorrect.

Chairman Taft read the notice and reported that the Union Carbide Corporation's site plan, which shows the location of the storage, had been reviewed and approved on February 9, 1976, and that an on-site inspection had been made prior to site plan approval.

Selectman Toomey reported that the Board had met with the applicant on three occasions and had made an on-site inspection. Selectman Toomey stated that the applicant has agreed that, in the future, all necessary approvals will be obtained before changes are made to the site, and that on this basis, he would move approval of the application.

The motion was seconded by Selectman Powers, and after further discussion, it was unanimously

VOTED: To approve the application of A. C. Morgello, Union Carbide Corporation, Linde Division, 141 Boston Post Road, for a license to store above ground 10 55-gallon drums Ethylene Oxide (550 gallons) and underground 5000 gallons Diesel Oil, located as shown on their previously approved site plan dated December 12, 1975, with the provision that the 5000 gallons of Diesel Oil shall be for private use only and not for sale to the public. It is understood that this application approval is in addition to the existing and previously approved 5000 gallons of Diesel Oil, used for heating purposes only, and 4000 gallons Gasoline, 1153 gallons Hydrogen Gas, 1500 gallons Acetone, and 500 l.c.c.-cylinders Acetylene.

Minutes

Present: Robert D. Quirk, owner of Village Green Shopping Center

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting and the executive session of February 23, 1976, the former as corrected.

On the subject of the minutes of February 23, 1976, relative to the Village Green Shopping Center, Chairman Taft questioned Mr. Quirk, who was present for another item on tonight's agenda, as to the accuracy of the reporting of Mr. J. Owen Todd to be attorney for Mr. Quirk.

Mr. Quirk responded that Mr. Todd was his attorney on February 23 in the matter under discussion on the Village Green Shopping Center.

It was on motion unanimously

VOTED: To approve the balance of the minutes of the regular meeting of February 17, 1976, the section pertaining to Village Green Shopping Center.

Wayland-Sudbury Septage Disposal Agreement

Selectman Powers reported that the most recent wording, by Dr. Cooper of the Wayland-Sudbury Septage Disposal Planning Committee, of the changes proposed under Sections IV, B, and V, A, of the Wayland-Sudbury Septage Disposal Agreement, which had earlier been distributed to the members of the Board, had been forwarded to the

Town of Wayland, and the problem resolved, but as the matter had not yet been reviewed by Wayland's Town Counsel, the item should again be deferred for one week.

Town Counsel reported that he had spoken with Wayland Selectman Thomas Linden, who had reported that the Wayland Selectmen, after taking the matter up tonight or Wednesday night, will then sign the agreement. Town Counsel further reported that the Wayland Finance Committee will review the agreement on March 4 and that their approval is expected, as well as the approval of the Wayland Road Commissioners either tonight or later in the week.

It was agreed that the subject would be scheduled on the agenda for March 8, 1976.

Peakham Road/Old Lancaster Road Intersection

The Board received a communication dated February 23, 1976 from Carol H. Thurston, 22 DeMarco Road, relative to the hazardous intersection at Peakham and Old Lancaster Roads.

The Executive Secretary recommended that the communication be forwarded to the Safety Officer and to the Town Engineer for their reports.

Selectman Powers stated that a temporary measure might be used until the reports are received and suggested the possible use of mirrors.

After discussion, it was unanimously

VOTED: To refer the above-referenced communication to the Safety Officer and the Town Engineer, with a priority;

and it was further

VOTED: To direct the Executive Secretary to respond to Mrs. Thurston, advising her of the Board's above vote.

Park and Recreation Commission - Receipt of Gift

The Board received a communication on February 20, 1976 from James A. Dora, President, Maynard-Sudbury Church Softball League, stating their intent to donate a gift of \$100.00 to the Park and Recreation Department to be used for lighting expenses at Featherland Field.

It was on motion unanimously

VOTED: To accept, with thanks, the gift of the Maynard-Sudbury Church Softball League of \$100.00 to the Park and Recreation Department, to be used for lighting expenses at Featherland Field.

It was further

VOTED: To advise the Park and Recreation Commission of the Board's above vote.

Sale of Alcoholic Beverages During Polling Hours - March 2 and March 29, 1976

On the recommendation of the Executive Secretary, it was on motion unanimously VOTED: To allow the sale of alcoholic beverages by common victuallers and retail package stores during the polling hours of the Presidential Primary on March 2, 1976, and the Town election on March 29, 1976.

Article 35 - Bus Transportation Committee - 1976 Annual Town Meeting

The Executive Secretary informed the Board that his office had received, late on Friday, February 27, a second revised article from the Sudbury Bus Transportation Committee for insertion in the warrant for the 1976 Annual Town Meeting to replace that previously submitted on December 31, 1975.

The Executive Secretary reported Town Counsel's statement at the Board's meeting on February 23, 1976 relative to the Committee's first proposal for a revised article (deletion of the appropriation), dated February 22, which was that the February 22 revision could be made on the floor of the Town Meeting within the scope of the original article.

Mr. Thompson reported that, following the Board's decision, at that time, to print the original article in the warrant, the Committee had again met and drafted a third article, dated February 26, which was then submitted to the Selectmen's office accompanied by a warrant report. Mr. Thompson stated that he had instructed the warrant typist to insert the original article in the warrant and to include the report which accompanied the third article, as it was relevant and none had been included with the original article.

The Board concurred with the Executive Secretary's decision to insert the original article, as voted on February 23, and Town Counsel reviewed the warrant report.

The Board and Town Counsel reviewed the Committee's February 26 article, which proposed a substantive change from the original article, and it was the consensus of the Board that this new article was unacceptable, and not within the scope of the original article. The Board directed the Executive Secretary to so advise the Sudbury Bus Transportation Committee.

Sudbury's Proposal for Demonstration Transportation Systems

The Executive Secretary reported that the Board had received a communication dated February 25, 1976, from Daniel Brand, Undersecretary, Executive Office of Transportation and Construction, informing them that Sudbury's proposal for demonstration transportation systems had not been chosen for Federal funding.

Resignation - Election Officer William S. Farrell

Chairman Taft reported that the Board had received a memorandum dated February 26, 1976 from the Town Clerk, conveying a copy of her letter from William S. Farrell, who tendered his resignation from his position as election officer, effective February 26, 1976.

The Executive Secretary was directed to communicate to Mr. Farrell the Board's appreciation for his years of service to the Town in his capacity as an election officer.

Fort Devens - Ayer Board of Selectmen

Selectman Toomey reported that he had earlier, during tonight's meeting, been contacted by Paul F. Gardner, Chairman of the Ayer Board of Selectmen, regarding Mr. Gardner's letter to the Board, dated February 26, 1976, in which he requested Chairman Taft to lead a delegation of his constituents in attending a Fort Devens forum to be conducted at the Ayer Junior-Senior High School on Saturday, March 6, 1976, at 1:00 p.m., at which State and Congressional leaders will be present to discuss their latest efforts to prevent the impending closing of Fort Devens. Mr. Gardner's letter also requested that the Board provide input as to the economic impact the loss of Fort Devens will have on Sudbury.

Selectman Toomey further reported on a February 28, 1976 joint meeting of the Massachusetts League of Cities and Towns, the Massachusetts Selectmen's Association, the Massachusetts Managers Association, the Mayors' Association, and the Massachusetts Finance Committees Association, at which Senator Kennedy and Governor Dukakis were present and the matter discussed, and a resolution unanimously adopted opposing the closing of Fort Devens.

Selectman Toomey was designated to attend the March 6 meeting to represent the Board, and the Executive Secretary was requested to provide him with information as to how many Sudbury residents work at Fort Devens.

Chairman Taft suggested that the School Department's Pupil Parent Survey forms, indicating whether parents work or live on government property, could be used in this determination.

Haynes Garrison Site

Chairman Taft reported that the Executive Secretary had sent a letter, dated February 25, 1976, to the Dicksons relative to the vote of the 1975 Annual Town Meeting. The Board will await word from the Dicksons regarding the Town's acquisition of the Haynes Garrison site.

Subdivisions - Completion of Roads

The Board received a memorandum dated February 27, 1976 from the Assistant to Town Counsel on the subject of completion of subdivision roads and his comment that the Board might wish to consider an appropriate article for the April 7 Special Town Meeting for the balance of the cost for completion of certain subdivision roads to supplement the subdividers' bonds, which will be exercised by the Town.

After discussion, it was the consensus of the Board that no article to this effect would be included in the Special Town Meeting, as they hope to limit it to articles necessary to provide the Fire classification amendments to the Salary Schedule and operating budget adjustment resulting from collective bargaining.

Village Green Shopping Center

Present: Building Inspector/Zoning Enforcement Agent Francis E. White; Robert D. Quirk, owner of Village Green Shopping Center; Patrick Todd, prospective tenant of Building #8

The Building Inspector/Zoning Enforcement Agent met with the Board to update his written reports to the Board, dated February 24 and February 27, 1976, on the subject of the Village Green Shopping Center.

Mr. White reported that he had met with Mr. Quirk on February 27, and that Mr. Quirk had authorized his taking photographs of the site. Mr. White stated that he would again inspect the site on March 2, 1976.

Chairman Taft asked Mr. White whether he had received a site plan from any party relating to this site.

Mr. White responded that he had received a site plan on February 25, 1976, which he had discussed with Mr. Quirk and had returned to him for corrections. Mr. White reported that late this afternoon he had received another site plan, which he will continue to review on March 2, but that he had noted some omissions which will also be corrected by Mr. Quirk.

The Board suggested that as soon as the plan appears to be in order that the Fire Chief and representatives of the Conservation Commission, the Board of Health, and the Planning Board be invited to make an on-site inspection with the Building Inspector/Zoning Enforcement Agent and Mr. Quirk, the time to be set by the Executive Secretary.

Department of Public Safety - Supervisor's Report on Sudbury

Present: Francis E. White, Building Inspector

The Building Inspector met with the Board to discuss the recent report, received February 25, 1976, from Francis P. DiBaro, State District Supervisor, relative to his review of the district, which includes the Town of Sudbury.

The Board had received a letter dated February 27, 1976 on the matter from the Building Inspector in response to the alleged deficiencies relating to insufficient personnel and time, in the Building Inspector's office for the proper implementation of the State Building Code, which were mentioned in Mr. DiBaro's report.

In response to questions from Selectman Powers, Mr. White made the following statements:

- Mr. White had met with Mr. DiBaro in Mr. White's office on two occasions -- in September of 1975 and again in December of 1975; each meeting lasting approximately one and one-half hours.

- Mr. White had met with Mr. DiBaro in Mr. DiBaro's office in Norwood during the latter part of January, a meeting which lasted approximately one hour.

- The Norwood meeting was a general meeting with other people in attendance, during which Mr. DiBaro acted in a supervisory capacity.

- Safety aspects of the restaurant in Village Green had been discussed at the meetings in Mr. White's office, and Mr. White and Mr. DiBaro visited the site.

- Mr. DiBaro had made no inspection of the Building Inspector's records.

Mr. White commented that when all public buildings were turned over to the towns, the local building inspectors removed these inspection duties from the Department of Public Safety, who now do not have sufficient work load. Mr. White reported that the Department has a bill before the legislature to recover these duties in order to justify their existence.

The Executive Secretary reported that Mr. DiBaro's undated, unaddressed, form letter type of report, in his opinion, was an inappropriate way for the Town to be informed on the subject. Mr. Thompson stated that he had spoken with Chairman Taft before this item was scheduled on the agenda, and that he (Mr. Thompson) would recommend that the Board authorize him to answer Commissioner Kehoe of the Department of Public Safety.

After discussion, it was on motion unanimously

VOTED: To authorize the Executive Secretary to respond to the Commissioner of Public Safety, confirming receipt of the State District Supervisor's report, and requesting justification for the deficiencies mentioned therein;

and it was further

VOTED: To send copies of the Executive Secretary's response referenced above to Senator Atkins and Representatives Gannett and Counihan.

Growth Policy Committee - Discussion of Funding

Present: Richard F. Brooks, Chairman, Sudbury Growth Policy Committee, Robert Cooper, Chairman, Planning Board, and member of the Growth Policy Committee; and Ira Potell, member, Finance Committee

Messrs. Brooks and Cooper met with the Board to request funding for the Growth Policy Committee for advertising, printing, and clerical expenses, which will be incurred between now and June 30, 1976.

Mr. Brooks reported that the Committee has need of the services of a secretary and is using Mrs. Patricia Bell, recording secretary for the Planning Board, but that there is no money in the Planning Board's budget to cover her expenses in this capacity.

Mr. Brooks stated that Mr. Cooper had reviewed the Planning Board's budget and had reported that the Planning Board could cover the projected advertising and printing costs, which were estimated at \$300. Mr. Brooks asked if there were some way in which the Selectmen could cover the clerical expenses, which he estimated to be \$450. Mr. Brooks stated that the Committee's weekly meetings had begun two weeks ago and would continue until June. He further reported that a transfer request for \$750 had been denied by the Finance Committee, who had requested that the funding be done through an article in the Special Town Meeting.

Selectman Toomey stated that the bill mandating the appointment of growth policy committees in the cities and towns was signed the end of December and the budgets for these committees could not have been planned. Selectman Toomey expressed his doubt that the Committee would be able to meet weekly between now and June and suggested that the clerical expenses might not be as high as anticipated.

Chairman Taft stated that possibly the Surveys and Studies budget could pick up the advertising and printing costs. Chairman Taft commented that the January 31, 1976 monthly statement indicated that the Planning Board clerical account contained a balance of \$2,422, or 63% of the appropriation, and he expressed his opinion that these funds could accommodate the anticipated clerical needs for the Growth Policy Committee.

Mr. Cooper confirmed Mr. Brook's earlier statement that the Planning Board had reviewed their budget and were of the opinion that the \$350 advertising and printing expenses could be taken from their general expenses account. On the subject of clerical expenses, Mr. Cooper commented that all the clerical funds would be needed for Planning Board work through June 30, 1976.

On the subject of the denial of the Planning Board's request for a reserve fund transfer, Mr. Potell, speaking for the Finance Committee, commented that the transfer had been requested by the Planning Board and that the Finance Committee did not believe that that Board should handle the funds, that they should instead be handled by the Selectmen.

The Executive Secretary reported that the transfer request had been submitted by the Planning Board because, under the statute, that Board was the initiating body.

Mr. Potell stated that any funds should be transferred to the Special Studies account.

Selectman Toomey suggested that the transfer be resubmitted by the Selectmen, and he requested a detailed budget from Mr. Brooks of all anticipated expenses.

The Executive Secretary suggested that Mr. Brooks submit a short synopsis to the Selectmen's office by Thursday, March 4, so that the item can be scheduled on the March 8 agenda.

Mr. Brooks agreed to submit a budget to the Executive Secretary by March 4, and it was agreed that the subject will be scheduled for the Board's March 8 meeting.

Selectman Powers cautioned the Committee on the high costs of printing and suggested that other methods of reproduction be investigated.

Executive Session

At 9:15 p.m., following an unanimous affirmative roll call vote of the Board, it was on motion further unanimously

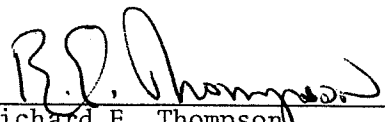
VOTED: To enter into executive session for the purpose of discussing collective bargaining.

Chairman Taft announced that the public 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 9:50 p.m.

Attest:


Richard E. Thompson
Executive Secretary-Clerk