

IN BOARD OF SELECTMEN  
MONDAY, SEPTEMBER 20, 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 fulfilled, 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 meeting of September 13, 1976 and the minutes of the special meeting of September 14, 1976.

Application - Common Victualler License - Anastasios T. Rokas, Sudbury Pizza, 483 Boston Post Road

Present: Anastasios T. Rokas, applicant; Francis E. White, Zoning Enforcement Agent/Building Inspector

In accordance with General Laws, Chapter 140, the Board considered an application for transfer of a Common Victualler's License to Anastasios T. Rokas, new owner of Sudbury Pizza, 483 Boston Post Road.

Executive Secretary Richard E. Thompson reported that the following reports had been received: from the Fire Chief dated September 9, 1976; from the Building Inspector/Zoning Enforcement Agent, dated September 14, 1976; and from the Board of Health Director, dated September 15, 1976, each of whom indicated approval of the transfer.

After discussion, it was on motion unanimously

VOTED: To grant a Common Victualler License to Anastasios T. Rokas of Framingham, new owner of Sudbury Pizza, 483 Boston Post Road.

Utility Petition #76-53 - Brimstone Lane

Present: Building/Wiring Inspector Francis E. White and Robert Blake of Boston Edison Company

The Board, at its meeting on September 13, 1976, voted to defer, until site inspection, further consideration of the below-named utility petition:

UP76-53 - Brimstone Lane - Petition of Boston Edison Company and New England Telephone and Telegraph Company for joint or identical locations for the erection or construction of poles to be owned and used in common by them and for such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line upon, along, and across the following public way:

BRIMSTONE LANE, northeasterly side, approximately 1,030 feet  
southeast of Boston Post Road  
One (1) pole

BRIMSTONE LANE, northwesterly side, approximately 1,820 feet  
southwest of Boston Post Road  
One (1) pole

Executive Secretary Richard E. Thompson reported that the following reports had been received: from the Wiring Inspector, dated August 12, 1976, stating that he had no objection unless the poles would in any way affect the view from the conservation property, and from the Power and Light Committee, dated September 9, 1976, both recommending disapproval of the petition, as the proposal was not in conformance with the best interest of the Town.

Mr. Thompson stated that he had received a verbal report on September 10, 1976 from the Conservation Commission, stating that the pole installation would be of no concern to the Commission, and a subsequent verbal report on September 16 from Mr. White, in which Mr. White requested that his previous comments relative to conservation concerns be disregarded as they did not apply.

After further discussion, it was on motion unanimously

VOTED: To approve the above-referenced petition dated July 9, 1976, with the recommendation that Boston Edison comply with the recommendations of the Power and Light Committee dated September 9, 1976.

Utility Petition #76-52, Boston Post Road

Present: Building/Wiring Inspector Francis E. White; Robert Blake of Boston Edison Company; Barbara MacNeil, abutter

The Board, at its meeting, on August 23, 1976, agreed to schedule a site inspection relative to the below-named utility petition before further consideration of the same:

UP76-52 - Boston Post Road - Petition of Boston Edison Company and New England Telephone and Telegraph Co. for permission to erect or construct, and a location for, a line of wires, poles, and such other fixtures as may be necessary to sustain or protect the wires for the transmission of electricity upon, along, and across the following public ways:

BOSTON POST ROAD, southerly side, from a point approximately  
470 feet east of the Sudbury/Framingham Town Line  
Seven (7) poles  
(Guy Wire and Anchor on the first and seventh pole)

BOSTON POST ROAD, northerly side, from a point approximately  
1785 feet east of the Sudbury/Framingham Town Line  
Nine (9) poles  
(Guy Wire and Anchor on the first, second, third, fourth,  
and fifth pole)

The Executive Secretary reported at that time that all appropriate Town officials and abutters had been notified and that the following reports had been received: from the Wiring Inspector dated July 28, 1976 and from the Power and Light Committee dated August 19, 1976, both of which recommended disapproval of the petition as not being in conformance with the best interests of the Town.

The Board received, at this time, a letter dated September 20, 1976 from Arden B. MacNeil, abutter, suggesting alternate methods of routing power from the former Prindiville property or Framingham's Parmenter Road and, if neither route was possible, that the lines be buried. The Board also received from Boston Edison Company cost estimates of implementing the original petition as well as alternate proposals for 1) placement of all poles on the southerly side of Boston Post Road, approximately 8 feet back from the traveled way, 2) for obtaining a private property easement from A. J. Lane, developer, to locate the poles about 26 - 30 feet back from the traveled way, and 3) buried cable located within the right-of-way of the Route 20 State Highway.

Proposals in the communications referenced above were discussed, and Chairman Toomey expressed his opinion that there should be no placement of poles on the north side of the Boston Post Road or accompanying crisscrossing of lines over the Boston Post Road to service the individual lots. Chairman Toomey suggested that the petition be resubmitted to eliminate these pole locations.

Selectman Powers stated that it was unfortunate that at the time the State was given the property for the Route 20 bypass, rights for a controlled view had not been preserved with the Wayside Inn property. Selectman Powers stated that the Wayside Inn is Sudbury's biggest attraction, that it is a totally unique asset and one which the Town must defend from any type of encroachment. Selectman Powers expressed his agreement with Chairman Toomey that a petition for poles on the north side of the Boston Post Road would be unacceptable, but that he would also state that poles visible on the south side of that stretch of road would also be unacceptable to him unless they could be hidden in the trees.

Selectman Powers agreed that to bring power from Parmenter Road would not be feasible, but he suggested that, as extensive service had been brought to the Prindiville property, this route might be considered. Selectman Powers expressed his opinion that the problem relates to the visuals and aesthetics in the Wayside Inn area and if that problem can be solved by locating the poles in the woods, he would be happy to listen to a petition in this regard. Selectman Powers further expressed his opinion that, as the Inn is a national treasure, the matter is of concern to many people.

Selectman Potell expressed his agreement that the lines should not cross Route 20 and, if poles were to be located in the area, they should be placed out of sight. Selectman Potell commented on the need that some arrangement be worked out as quickly as possible, as the houses are under construction, but he again stated that crossing of wires over the Boston Post Road was not acceptable.

Chairman Toomey stated that it should be pointed out that some existing poles can be seen from the steps of the Wayside Inn, but that there are no crisscrossing lines in that area. Chairman Toomey suggested that Boston Edison Company submit a revised petition that is much more acceptable than the one before the Board tonight.

After further discussion, it was on motion unanimously

VOTED: To deny Utility Petition #76-52 for the following reasons:

1. The present petition is unacceptable to the Board as it proposes sixteen utility poles in an area where no poles presently exist, nine of which are proposed for the north side of the Boston Post Road and would require lines to cross over that Road to service homes located on its south side.

2. Reports have been received from the Wiring Inspector, dated July 28, 1976, and from the Power and Light Committee, dated August 19, 1976, both of which recommended disapproval as the proposal is not in conformance with the best interests of the Town.

3. Great care should be taken to preserve the natural beauty of the area surrounding the Wayside Inn, a National Historic Site.

4. In the opinion of the Board, feasible alternates for supplying power or routing poles to provide the service necessary to this area of new homes can be proposed and a revised petition in this regard could be submitted by Boston Edison Company and New England Telephone and Telegraph Company.

Site Plan Application #76-172 -- Sylvia Silverman, Studio of Ballet Arts, 717 Boston Post Road

Present: Francis E. White, Building Inspector/Zoning Enforcement Agent; Janet Brennan, abutter

In accordance with Article IX, Section V, Paragraph A, of the Sudbury Bylaws, the Board considered the site plan renewal application of Sylvia Silverman, Studio of Ballet Arts, 717 Boston Post Road.

Executive Secretary Richard E. Thompson reported that all appropriate abutters and Town officials had been notified and that the following reports had been received: two reports from the Building Inspector/Zoning Enforcement Agent, dated August 18, 1976 and September 1, 1976; from the Board of Health dated August 19, 1976; from the Conservation Commission dated September 8, 1976, each of which recommended approval. Mr. Thompson further stated that a report had been received from the Planning Board which also recommended approval, but brought to the Board's attention that the types of uses on this property seemed to be creating problems in the neighborhood.

Mr. White reported that no changes had been made to the plan since its last submission, which was approved by the Selectmen two years ago.

Mrs. Janet Brennan, abutter, reported that a school bus and trailer trucks are sometimes parked at this location, and she questioned this use in a residential zone. Mrs. Brennan also opposed renewal of the site plan.

Mr. White stated that he was completely unaware of any use of the property by trailer trucks, but stated that he had occasionally seen the school bus, which he believed was driven by the occupant of the house, and that he had requested its removal on four of five occasions. Mr. White stated that he would check the site for any parking of trailer trucks.

Chairman Toomey assured Mrs. Brennan that, if violations were occurring on this property, Mr. White would enforce the bylaws in this regard.

After further discussion, it was on motion unanimously

VOTED: To approve renewal of the site plan dated November 30, 1970, of Sylvia Silverman, Studio of Ballet Arts, 717 Boston Post Road.

Selectmen's Policy for Use of Town Hall Facilities

Present: Building Inspector Francis E. White; Ronald Adolph, President, Ann Zamzow, and John Snyder of the Sudbury Players

The Board, at its September 13, 1976 meeting, requested that Executive Secretary Richard E. Thompson finalize the language of proposed revisions to the Selectmen's Policy for Use of Town Hall Facilities discussed that evening and to reschedule the subject for tonight's meeting.

Mr. Thompson stated that he had redrafted the proposed rules and regulations, as requested, and had forwarded copies of the same to Mr. Adolph and Mrs. Zamzow.

A lengthy discussion followed during which agreements were reached, and it was on motion unanimously

VOTED: That Section O.B.4 of the Selectmen's Policy for Use of Town Hall Facilities shall read: "Dressing rooms shall be available for use for rehearsals and productions, and shall be cleaned to the satisfaction of the Building Services Coordinator following each rehearsal or production."

It was further

VOTED: That Section O.B.5 shall read: "All restrooms, dressing rooms and other facilities associated with the stage shall be available for use for dress rehearsals and productions, but must be cleaned after each use to the satisfaction of the Building Services Coordinator."

It was further

VOTED: To amend Section O.B.6 by striking the last sentence and substituting therefore two sentences, as follows: "Any construction work that can be done outside the premises should be. Construction and materials to be used must be approved by the Building Inspector."; and it was further

VOTED: To adopt the Selectmen's Policy for Use of Town Hall Facilities as amended by the above votes.

Site Plan Application #76-173, Kuhlmann, Inc., 730 Boston Post Road

Present: Building Inspector/Zoning Enforcement Agent Francis E. White; Nelson Robideau, applicant

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered the site plan of Kuhlmann, Inc., 730 Boston Post Road.

Executive Secretary Richard E. Thompson reported that all appropriate Town officials and abutters had been notified and that the following reports had been received: from the Building Inspector/Zoning Enforcement Agent, dated August 19, 1976, recommending approval; from the Conservation Commission, dated September 9, 1976, recommending approval if the proposal involves a movable trailer parked on the pavement; from the Board of Health Director, dated September 10, 1976, informing the Board that State Department Food & Drug Division approval of the proposed layout had been received and that a final inspection will be conducted when all equipment is in operating condition; from the Planning Board, dated September 16, 1976, recommending approval and suggestions for screening of the enclosure; and a second communication dated August 19, 1976, from the Building Inspector/Zoning Enforcement Agent, with his recommendation for screening of the enclosure.

Mr. Kuhlmann and Mr. Robideau described the site plan and the proposed use of the property, and the aforementioned recommendations for the construction of the enclosure were reviewed.

After further discussion, it was on motion unanimously

VOTED: To approve the site plan for Kuhlmann, Inc., 730 Boston Post Road, dated August 18, 1976, for board and batten fencing, as recommended by the Building Inspector, in his memorandum dated August 19, 1976, subject to final approvals by the Sudbury Board of Health and the State Department of Health.

Application - Common Victualler License -- Todd-Wagoner Corporation, d/b/a Ephraim's, #8 Village Green, Hudson Road

Present: Building Inspector/Zoning Enforcement Agent Francis E. White; Patrick Todd and Donald Wagoner, applicants; Robert D. Quirk, property owner, Bruce Quirk

(Town Counsel withdrew from the meeting during discussion of this application.)

In accordance with Chapter 140 of the General Laws, the Board considered an application for a Common Victualler's License from Todd-Wagoner Corporation, d/b/a Ephraim's, to operate a restaurant at #8 Village Green, 29 Hudson Road.

Executive Secretary Richard E. Thompson reported that all appropriate Town boards and abutters had been notified and that the following reports had been received: from the Building Inspector dated September 14, 1976, stating the need for the building to comply with the Massachusetts State Building Code and the Architectural Barrier Board; from the Director of the Board of Health, stating that the food service establishment structure is in compliance with the regulations of Article X of the Sanitary Code and that that Board would give final approval when written certification had been submitted stating the disposal facilities had been constructed in accordance with the approved plan; and from the Fire Chief, dated September 9, 1976, who expressed no objection to the granting of the license once conditions set forth in his report had been met.

Mr. White reported that the parking requirements for the proposal had been met and that the site plan for the area had been approved.

In response to Selectman Powers' question, Mr. Robert Quirk stated that the subsurface sewage disposal system would be completed within a thirty-day period.

Items mentioned in the above-referenced reports were discussed, and it was generally agreed that work relating to these items would not usually proceed until after the Board's indication of its intent to issue a Common Victualler License.

Chairman Toomey suggested that the Board grant the license subject to conditions set forth in the reports referenced above and that the license be held by the Board until full compliance in all areas is met.

Selectman Potell expressed his agreement.

Selectman Powers suggested that the granting of the license be delayed until the conditions were satisfied.

Chairman Toomey commented that a Common Victualler License allows the service of food, and he asked the applicants if they intended to allow liquor to be brought into the establishment and to provide set-ups.

Mr. Wagoner stated that he did not know what their legal rights in this matter were, that their concern was in opening the restaurant and the service of food, and that they had not considered the matter of allowing liquor at this point.

Mr. Thompson stated that he would speak to the Assistant to Town Counsel relative to any State and local bylaw which might regulate this situation.

Chairman Toomey stated that he wished the applicants to fully understand that the Board was authorizing the establishment of an eating restaurant only, without liquor serving privileges.

After further discussion, it was on motion

VOTED: To grant a Common Victualler License to the Todd-Wagoner Corporation, d/b/a Ephraim's, to operate a restaurant at #8 Village Green, Hudson Road, subject to the conditions set forth in the Fire Chief's report dated September 9, 1976, the Building Inspector/Zoning Enforcement Agent's report dated September 14, 1976, and the Board of Health Director's report dated September 17, 1976;

and it was further

VOTED: To direct the Building Inspector to withhold issuance of a Certificate of Use and Occupancy and the Executive Secretary to withhold the Common Victualler License until full compliance with the aforementioned reports.

(Chairman Toomey and Selectman Potell in favor; Selectman Powers opposed for the reason that there remains substantial work dealing with the sewage disposal system and all other items listed in the reports referenced above and, in his opinion, the granting of the license was premature.)

Chapter 90 State Aid Reimbursement - Concord Road

Following its review by the Board, it was on motion unanimously

VOTED: To authorize the Chairman of the Board to sign the Chapter 90 State aid reimbursement form relative to paving a portion of Concord Road.

Cemetery Study Committee

The Board, at its meeting of September 13, 1976, requested that members of the clergy communicate, as soon as possible, to the Executive Secretary whether they or their designees could serve on a committee to establish rules and regulations which would be acceptable to the Town relative to the use of its cemeteries, in order that said committee be established for this purpose.

Selectman Powers now suggested that, as the response from the clergy had not been complete as yet, the matter be deferred until the Board's meeting on September 27.

In the discussion which followed, it was mentioned that interest had been expressed by the Finance Committee that one of its members attend the meetings of the committee, though not as a member, and by Mrs. Stanley Barron. The names of the representatives of the two cemetery associations were also mentioned-- Mr. Ralph Barton and Mr. Alvin Noyes.

Selectman Powers suggested that the Sudbury Mormons group also be contacted, as well as the present owners of cemetery property.

The Executive Secretary was directed to contact the remaining members of the clergy as to their willingness to be appointed to the committee and to report back to the Board at the next meeting.

Selectman Powers requested that the press note this discussion for the information of other Townspeople, who might be willing to serve.

Historic Districts Commission

The Board received a communication dated September 10, 1976 from the Chairman of the Historic Districts Commission, which requested that the Board appoint a new member to that Commission to fill the existing vacancy and set forth their recommendations for candidates for the Board's consideration in this regard.

After discussion, it was on motion unanimously

VOTED: To defer further consideration of the Historic Districts Commission's request dated September 10, 1976 until the Board's meeting on September 27 to allow the Executive Secretary to obtain additional background information relative to the candidates for the Board's review.

Appointment -- Policewoman Crossing Guard

At the request and recommendation of the Police Chief in his communication dated September 13, 1976, it was on motion unanimously



VOTED: To appoint Helen Nadeau, 87 Pratts Mill Road, as Policewoman for duty as a Crossing Guard, for a term to expire on April 30, 1977, subject to Personnel Board approval.

Administrative Secretary - Office of the Selectmen

Executive Secretary Richard E. Thompson referred to his communication dated September 1, 1976 to the Board relative to the Personnel Board's action of August 25, 1976 concerning the reclassification of Janet Silva as Principal Clerk, Step 4, instead of Administrative Secretary, Start, as recommended in his letter of July 2, 1976 and confirmed by the Selectmen on July 26, 1976.

Mr. Thompson requested the Board's support for his position and that, if support were given, he be allowed to so notify the Personnel Board and to request a rehearing on the matter.

After discussion, during which the Board agreed that the aforementioned action of the Personnel Board was inappropriate, it was on motion unanimously

VOTED: To direct the Executive Secretary to arrange for the Selectmen to meet with the Personnel Board for further discussion of the matter.

Town Report Preparation Committee -- Alternative

The Board reviewed a communication dated August 19, 1976 from Selectman Powers relative to his proposal that the preparation of the Town Report be delegated to the second-year member of the Board of Selectmen, with the assistance of the Executive Secretary and his staff.

Chairman Toomey expressed his hesitation with acceptance of Selectman Powers' proposal as the present preparation of the Town Report had followed a Town Meeting vote and the fact that the Town Report Preparation Committee was, in his opinion, a committee made up of people who wish to work on the project. Chairman Toomey further expressed his opinion that the Selectmen's office does not have sufficient staff to complete the report and he stated that he would prefer that the report continue to be prepared by a committee appointed for this purpose.

Selectman Potell stated that the issue of the Town Report had been discussed and voted upon by the Townspeople on three occasions--at two Annual and one Special Town Meetings and, because of this, he would not be willing to proceed in any other manner.

Selectman Powers expressed his opinion that the Town Meeting votes were related to the amount of money rather than to the preparation of the Town Report, and he further commented that the Town Report Preparation Committee was a discretionary committee created by the Selectmen.

Chairman Toomey stated that he would still hesitate to commit a second-year Selectman both as to time and capability, and he again expressed his preference for an appointed committee that would work with the Executive Secretary.

As the majority of the Board had expressed their preference for the continuation of the Town Report Preparation Committee, Mr. Thompson suggested that the Board schedule the subject of appointments to said Committee on the agenda for its October 4 meeting.

Chairman Toomey thanked Selectman Powers for his suggestion and requested that the Executive Secretary so schedule the matter.

Mr. Thompson stated that he would contact the present committee members as to their willingness to again serve and that he would report back to the Board.

Buddy Dog Humane Society -- Ribbon-Cutting Ceremonies

Executive Secretary Richard E. Thompson reported to the Board that he had received a telephone call from Edward Kreitsek on September 20, inviting the Selectmen to attend the ribbon-cutting ceremonies at Buddy Dog Humane Society facility on Saturday, September 25, at 11:00 a.m.

The Board requested that Mr. Thompson thank Mr. Kreitsek for the invitation and inform him that the Board will be attending the Massachusetts Selectmen's Association annual meeting on that date. The Board further requested Mr. Thompson to ask the Dog Officer and Assistant Dog Officer to represent the Board at the ceremonies, if possible.

Revolutionary War Bicentennial Committee

The Executive Secretary informed the Board that the next meeting of the Revolutionary War Bicentennial Committee has been scheduled for Wednesday, October 6, 1976.

License for the Sale of Wines and Malt Beverages - Our Lady of Fatima Parish, September 26, 1976

It was on motion unanimously

VOTED: To grant a License for the Sale of Wines and Malt Beverages to Our Lady of Fatima Parish, to accommodate their annual picnic at Mossman Road picnic grounds on Sunday, September 26, 1976, from 1:00 p.m. to 4:00 p.m.

Performance Review - Town Accountant

Present: John H. Wilson, Town Accountant


In accordance with the Selectmen's Policies and Procedures, the Board met with Town Accountant John Wilson to review his annual report and to evaluate his performance during the past year.

Following the review, the Selectmen agreed to submit to Mr. Wilson a copy of their evaluation composite in advance of their subsequent meeting to establish his salary for the period of July 1, 1976-June 30, 1977.

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

VOTED: To adjourn the meeting at 10:30 p.m.

Attest:

  
Richard E. Thompson  
Executive Secretary/Clerk