

IN BOARD OF SELECTMEN
MONDAY, MAY 9, 1977

Present: Chairman John C. Powers and Ira M. Potell

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive session minutes of May 2, 1977.

Orders of Taking - Bowen Circle, Elsbeth Road

After review, it was on motion by Selectman Potell unanimously

VOTED: To sign Orders of Taking for Bowen Circle and Elsbeth Road in accordance with votes of the 1977 Annual Town Meeting under Articles 29 and 30.

License for the Sale of Wines and Malt Beverages - June 3 & 4, 1977, The First Parish of Sudbury

In response to her request dated May 2, 1977, it was on motion by Selectman Potell unanimously

VOTED: To grant a temporary license for the Sale of Wines and Malt Beverages to Eleanor Kafalas, Music Committee, The First Parish of Sudbury, Concord Road, to be exercised in the main church on June 3, and June 4, 1977 between the hours of 8:00 p.m. and 12:00 midnight, subject to payment of fee as required.

Selectmen's Summer Meeting Schedule

After review and discussion, it was on motion by Selectman Potell unanimously

VOTED: To approve the summer meeting schedule proposed by the Executive Secretary for meetings to be held on the following dates: alternate Mondays -- July 11, 25, August 8, 22, and September 12; thereafter to resume a regular weekly schedule;

and it was further

VOTED: To dispense with the Town Fathers Forum during the months of July and August.

Sign Review Board Application No. 75-45 - West Newton Savings Bank

The Board received a copy of a letter dated April 25, 1977 from the Chairman of the Sign Review Board to Ms. Janice M. Prescott, West Newton Savings Bank, which notified her of that Board's approval of the bank's application for a sign on the face (northerly side) of the building subject to the approval of the Historic Districts Commission.

Chairman Powers commented that the sign on the west side (Peakham Road) of the building had been approved by the Historic Districts Commission, but he was of the opinion that it had not been approved by the Sign Review Board.

Executive Secretary Richard E. Thompson stated that the bank had requested some guidelines relative to the signs and that he had recommended that the bank request a joint meeting with the committees to resolve the matter.

Chairman Powers asked whether either one of the signs carries the action of both boards.

The Executive Secretary responded in the negative.

Chairman Powers suggested that the matter be referred to Town Counsel with the request that he confer with both boards and report back.

Selectman Potell was in agreement.

Minuteman Regional Vocational Technical School District -- Proposal for Becoming a Non-Profit Organization

The Board received and reviewed a communication dated April 29, 1977 from the Minuteman Regional Vocational Technical School Committee, which enclosed a copy of that Committee's legislative proposal for becoming a non-profit corporation and which invited all local officials and educators to attend the May 17 meeting of the Minuteman Committee between 8:00 and 9:00 p.m.

Selectman Potell expressed his objection to Section 6 of the proposal as it would allow the District to "lease, sell, or otherwise transfer, with or without consideration, lands or any interest therein not required for the operations of the district school to the corporation for its use, including but not limited to erection of its own facilities." Selectman Potell stated that, in his opinion, the Town should not pay monies for items that can be turned over to someone else.

Chairman Powers stated that the Board had not had the benefit of an exposition of this legislation by George W. Gibson, a proponent of the proposal, or by Lawrence Ovian, Sudbury's representative to the Minuteman School Committee, and, after discussion, the Executive Secretary was directed to request Mr. Gibson and/or Mr. Ovian to meet with the Board on May 16, 1977.

Proclamation -- Lincoln-Sudbury Scholarship Day -- May 14, 1977

In response to a request dated April 28, 1977 from Lincoln-Sudbury Regional High School Superintendent David Levington, it was on motion by Selectman Potell unanimously

VOTED: To proclaim Saturday, May 14, 1977 as Lincoln-Sudbury Scholarship Day.

Reserve Fund Transfer Request -- Line Item Transfer Request - Fire Department

Present: Fire Chief Josiah F. Frost

Fire Chief Josiah F. Frost met with the Board with regard to Fire Department Line Item Transfer Request No. 0725 and Reserve Fund Transfer Request No. 0729.

After discussion, it was on motion by Selectman Potell unanimously

VOTED: To approve Request No. 0725 for a line item transfer within the Fire Department budget of \$1,812 from Account 310-11, Salaries, and of \$1,688 from Account 310-13, Clerical, to account 310-12, Overtime, to meet the remaining payroll periods through June 30, 1977;

and it was further

VOTED: To approve Request No. 0729 for a transfer from the Reserve Fund to Account 310-31, Maintenance, in the amount of \$1,500 to meet present maintenance expenses and increased cost of utilities.

Utility Petition #77-76 - Landham Road

Present: Robert Blake of Boston Edison Company; Francis E. White, Wiring Inspector

The Board, at its meeting on March 30, 1977, voted to continue the hearing on Utility Petition #77-76 -- petition of Boston Edison Company and New England Telephone and Telegraph Company for permission to erect or construct one hip guy and anchor along the easterly side of Landham Road, approximately 127 feet south of Eddy Street -- until after the conclusion of Town Meeting to allow the Wiring Inspector and the Executive Secretary to meet at the proposed site with Mrs. Felix P. Nichols, abutter, who, by letter dated March 25, 1977, had expressed her opposition to the petition.

Executive Secretary Richard E. Thompson reported that the proposed location is now on Town property due to the takings by the County for the proposed reconstruction of Landham Road.

Mr. Thompson reported that he and Wiring Inspector Francis E. White had met with Mrs. Nichols and that both he and Mr. White were of the opinion that the hip guy and anchor were necessary as the pole in question is a particularly large one and bends from the weight of the wires.

Mr. Thompson expressed his opinion that Boston Edison Company should investigate putting in an additional pole in the nearby treed area on the property because of the weight of the wires and the long expanse between poles in that area.

Mr. Blake stated that this matter might be considered by Boston Edison if Mrs. Nichols were willing to grant a perpetual easement for this purpose.

Mr. Thompson stated that at their meeting with Mrs. Nichols she had indicated that she was willing to grant such an easement.

Mr. Thompson stated that he would recommend approval of the petition before the Board in any event, and he commented that this could be done as a temporary measure and a second pole then installed to which the hip guy and anchor could be attached.

After further discussion, it was on motion by Selectman Potell unanimously

VOTED: To approve Utility Petition #77-76 for permission to erect one (1) hip guy and anchor on Utility Pole J015/60 located on the easterly side of Landham Road approximately 127 feet south of Eddy Street; and it was further

VOTED: To recommend to Boston Edison Company that they investigate the possibility of locating an additional pole, hip guy, and anchor south of the existing pole in the area of trees.

The meeting recessed at 9:10 p.m. for a period of five minutes.

Site Plan #76-164 Northern Farms Farmstand and Country Store, 15 Union Avenue

Present: Joseph and Charles Calareso, applicants; Zoning Enforcement Agent/Building Inspector Francis E. White; Board of Health Director John Sullivan; Lawrence Gogolin, member, Board of Health; Police Chief Nicholas Lombardi; Town Engineer James Merloni; Highway Surveyor Robert Noyes; Conservation Commission member John Cutting; James Giroux, owner, Giroux Bros. Transportation Corp.; Richard F. Brooks, member, Planning Board; and approximately six interested citizens.

The Board, at its meeting on May 2, 1977, voted to continue discussion of Joseph Calareso's April 28, 1977 request for extension for completion of Site Plan #76-164 until 8:15 p.m. on May 9, at which time, the Board would meet with all appropriate Town officials, the owner of the property, and the applicants.

Chairman Powers reported that the Board, at its earlier meeting, had been apprised of the fact that a survey of the property line by Town Engineer James Merloni had indicated a change of circumstances relating to compliance with the site plan and that tonight's meeting was being held to receive all possible input so that the applicants might learn what would have to be done.

Chairman Powers stated that the Board had received an opinion dated May 6, 1977 from Town Counsel Paul L. Kenny as to the action necessary in this matter.

Executive Secretary Richard E. Thompson displayed the plan of Union Avenue which was undertaken following passage of Article 30 of the 1975 Annual Town Meeting relative to alteration and relocation of a portion of Union Avenue.

Chairman Powers reported that the Sign Review Board had indicated no objection to the relocation of the sign to the proper position.

Chairman Powers stated that the Board was also concerned with parking and turning on Town-owned property in that area, particularly on the westerly side of Union Avenue, and he requested that the Building Inspector, the Highway Surveyor and the Town Engineer confer and make suggestions as to how parking on Town-owned land can be handled.

Discussion followed concerning an installation of a buffer adjacent to the roadway, using railroad ties or a berm.

Highway Surveyor Robert Noyes stated that the drainage problem in that area will be corrected in July and that a berm could be put in at that time.

Chairman Powers requested that some type of barrier also be put up to prevent vehicles from getting into the drainage ditch in that area.

Planning Board member Richard Brooks stated that, at the Planning Board's original review of the site plan, it had been that Board's impression that the operation would be primarily the selling of nursery stock in front with the parking in the rear and that there would be a traffic problem if not controlled. Mr. Brooks stated that he would also suggest that there be some treatment of the Town-owned area to act as a barrier for a good entry into the site.

Chairman Powers stated that the original site plan does indicate a single entry and that both the Town and the applicants would have to define the entry.

Mr. Calareso stated that he was in agreement.

Mr. Brooks stated that the applicant's parking lot needs grading and marks or indications for a preferred method of parking, as, in his opinion, if this is not done, the Town-owned land will continue to be abused for parking.

Chairman Powers asked, if, when the circular driveway was put in this location for Giroux Bros. Transportation Corp., bound marks for a common right-of-way with the abutting property at One Union Avenue had been installed.

Mr. James Giroux, owner of the property, stated that there were bound markers and that it was his belief that the common right-of-way extended twenty feet beyond the bound markers.

Chairman Powers stated that the existing site plan shows the exit as being located totally on the Giroux property and not on the common right-of-way, and he stated that the driveway needs marker signs for entrance and exit. Chairman Powers asked the applicants whether they were willing to abide by this request.

Mr. Calareso responded in the affirmative.

Board of Health Director John Sullivan stated that he makes periodic routine inspections of such establishments and that, during the summer months, a problem occurs with outside storage of produce boxes and miscellaneous material in the parking area to the rear. Mr. Sullivan stated that also, during the summer months, there would be a dust problem because of the present parking area and that the doors would have to be closed.

Mr. Sullivan also stated that the brook which runs parallel to this property is cluttered with debris and should be cleared because of a mosquito problem.

Chairman Powers stated that, in his opinion, if these parking areas are graveled, the dust problems would probably be improved, and he commented that the brook is the property of the Lowell Savings and Loan Association, which would have to be contacted concerning the clearing of debris.

Mr. Calareso stated that a great deal of his debris was in the brook, and that he was willing to clear it out and would contact the bank in this regard.

Mr. Calareso stated that he must pay a deposit of \$1.00 on each produce box and that, in his opinion, there was no place he could store them in the summer until they are picked up by the farmer. Mr. Calareso stated that these are empty boxes only and that there is no garbage in that location. Mr. Calareso stated that he would continue to store the boxes inside and that he is willing to work with Mr. Sullivan in this regard.

Chairman Powers stated that no outside storage area is shown on the site plan--that provision for storage is shown inside next to the loading dock and is, at this point, not sufficient.

Building Inspector Francis E. White commented that the storage in the parking area is eliminating three parking spaces which are required, and he further commented that the parking surface is required to be dust-free, not necessarily just gravel.

Mr. Calareso stated that, as there is no provision for such outside storage on the site plan, he would discontinue outside storage.

Further discussion concerned the canopy which had recently been destroyed in a wind storm, and Mr. Calareso stated that it was his intent to replace it.

Mr. White stated that the applicant is entitled to replace the canopy with a building permit and in compliance with the Massachusetts Building Code--that, if it is to have a roof, as before, it must be designed as a safe structure.

Discussion continued briefly, and Chairman Powers stated that, as the Board had scheduled a public hearing at 9:00 p.m., he would suggest that this meeting recess at this time, that the applicants, the owner, and the department heads retire to further discuss the matter for the purpose of resolution during the hearing and, at its conclusion, rejoin the Board for further discussion.

All parties were in agreement, and the discussion was continued until later in the evening.

When discussion resumed, Town Counsel's May 6, 1977 letter relative to procedure with regard to the extension request was reviewed, and after discussion, it was on motion by Selectman Potell unanimously

VOTED: To accept the request of the applicants to modify or amend their site plan to bring it in conformance with the Bylaws and regulations of the Town to correct the inaccuracies shown on the existing plan by indicating the following agreed upon changes:

- 1) Locate the rail fence to the actual property line on the westerly side of Union Avenue;
- 2) Relocate the sign onto the petitioners' property;
- 3) Eliminate the shrub areas shown on the plan to the east of the existing building;
- 4) Design the driveway for the circular flow of vehicular traffic as shown on the plan (amended site plan, when submitted, to show with markers and arrows what will be done to control the flow of traffic).

It is understood that a new site plan showing the correct property lines would be submitted for the Board to resign and recirculate to the appropriate departments.

It is further understood that there will be a plan submitted by the petitioner to the Building Inspector to indicate more precisely what the shelter/shadow canopy is and of what material it will be constructed.

It is also further understood that there will be no outside rubbish storage on the property.

After further discussion, it was on motion by Selectman Potell unanimously

VOTED: To extend the time for completion of the site plan from May 10, 1977 to July 15, 1977, with the understanding that an update of status will be received by the Board on July 1, 1977.

Chairman Powers stated that the Board would like to see a revised site plan indicating the new street side line, as surveyed by the Town Engineer, as well as resolution of the applicants' problems with the Building Inspector, by its May 16 meeting.

Mr. White stated that informational copies of the revised site plan will be sent to all Town agencies for their review and comment.

Mr. Thompson suggested that the applicants contact the Board of Health for a letter as to what their impositions or conditions would be relating to the revised site plan.

Selectman Potell suggested that the Conservation Commission might want to contact the Board of Health with regard to a dust-free surface.

Hearing--Application of Big W Trans, Inc. for a License to Transport Passengers Along Sudbury Routes--CETA Training Program

Present: Donald M. Brown, Center Manager CETA Staff, who appeared on behalf of Robert Winterhalter, applicant.

At 9:00 p.m., Chairman Powers convened a public hearing on the application of Robert P. Winterhalter, President, Big W Trans, Inc., of Ashland, Massachusetts, for a license under the provision of Section 1, Chapter 159A of the General Laws to operate as a common carrier for the transportation of passengers for hire by motor vehicle along the following routes in the Town of Sudbury for the purpose of providing bus transportation for the employees and trainees of the Regional Comprehensive Employment Training Act (CETA) training programs:

- a. On Nobscot Road from the Framingham town line to Boston Post Road.
- b. On Landham Road from the Framingham town line to Boston Post Road.
- c. On Boston Post Road from the Wayland town line to Horse Pond Road.
- d. On Horse Pond Road from Boston Post Road to Peakham Road.
- e. On Peakham Road from Horse Pond Road to Hudson Road.
- f. On Hudson Road from Peakham Road to Concord Road.
- g. On Concord Road from Lincoln Road to Boston Post Road.
- h. On Lincoln Road from Concord Road to the Wayland town line.
- i. On Old Sudbury Road from Concord Road to the Wayland town line.

Executive Secretary Richard E. Thompson reported that this matter had been properly advertised. Mr. Thompson read the public notice and stated that the license, if approved, would be restricted to the particular purpose stated in the license.

Mr. Donald Brown, Center Manager, CETA Staff, reported that Mr. Winterhalter, who was unable to be present tonight, had been contracted by CETA to provide transportation for employees and trainees of the regional CETA training program.

Mr. Brown stated that a single 25-passenger bus would make eight trips through the Town of Sudbury daily, and he described the origin and destination of each route.

Chairman Powers asked Mr. Brown if he was of the opinion that the 25-passenger bus would be sufficient in light of the anticipated increased activities of CETA.

Mr. Brown stated that the increased activity would not be used in the area of transportation, but for salaries and projects.

Selectman Potell expressed his concern as Mr. Winterhalter's application was not a specific application but an omnibus application which would allow the charging of fares and which, if granted, might lock up the routes unless the license could be restricted. Selectman Powers asked Town Counsel whether there was a section of General Laws which might provide such restriction.

Town Counsel Paul Kenny stated that it was his opinion that the actual granting, if so voted, could be limited to a charter operation. Mr. Thompson stated that the license prepared for the Board's consideration is limited only to the transportation of employees and trainees of the CETA training program.

Selectman Potell asked if the Board would have to act on the application as submitted or whether it could be limited.

Town Counsel expressed his opinion that, if the applicant were to seek anything further, he would have to come before the Board again.

Chairman Powers asked if Mr. Kenny could submit an opinion clarifying restriction of a license within the week.

Mr. Kenny responded in the affirmative.

Selectman Potell stated that he was quite willing to issue a license for CETA purposes, but that he also wished to know if all the requested routes were necessary and at what hours the bus would make its runs because of possible impact with the school busses.

Mr. Brown stated that the first run of the day begins at 8:20 a.m. and the last run begins at 9:45 p.m. and that, in his opinion, there would be no impact on the school busses.

After further discussion, it was on motion unanimously

VOTED: To table further discussion of the matter until May 16, 1977 to allow receipt of a report from Town Counsel as to the Board's ability to restrict the requested license under General Laws.

Executive Session

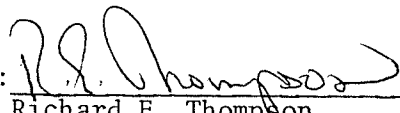
At 9:30 p.m., it was by roll call unanimously

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

Chairman Powers announced that the public meeting would not resume after the executive session.

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

VOTED: To adjourn the meeting at 9:40 p.m.

Attest: 
Richard E. Thompson
Executive Secretary-Clerk