

IN BOARD OF SELECTMEN  
MONDAY, NOVEMBER 6, 1978

Present: John E. Murray and Robert J. Hotch.

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

Cancelling Hearing - Dog Complaint

Executive Secretary Richard E. Thompson stated that a hearing scheduled for November 6, 1978, before the Board of Selectmen, concerning a dog complaint filed in the Town Clerk's office on October 24, 1978, by Mr. John P. Carrieres, 126 Hemlock Road, against a German shepherd dog (1978 License #1568), owned by Mrs. Richard E. Heckman, 125 Hemlock Road, was cancelled due to a telephone request and resolution of the matter by Mrs. John P. Carrieres.

Reserve Police Officer Appointment

Executive Secretary Richard E. Thompson stated that the office of the Board of Selectmen received a list of eligible Reserve Police Officers from the State Division of Personnel Administration containing approximately thirty names, of which Mr. John R. Mahoney, 988 Plymouth Street, East Bridgewater, was the only officer who indicated to the office of the Board of Selectmen his interest in accepting an appointment to the Sudbury Police Department's Reserve Patrolmen's List.

Mr. Thompson further stated that the Chief of Police has been unable to interview Mr. Mahoney, but will do so as soon as possible and report back to the Board.

After review of the certified list #77-5775 dated October 16, 1978, of Reserve Police Officers from the Division of Personnel Administration, it was on motion unanimously

VOTED: To appoint the following as a Sudbury Reserve Police Officer, effective immediately, subject to the Division of Personnel Administration approval:  
John R. Mahoney, 988 Plymouth Street, East Bridgewater, Massachusetts, 02333  
(old address of 479 Sea Street, Quincy, on list);

and it was further

VOTED: To authorize the Executive Secretary to sign and file all appropriate documents related thereto.

Petition by Newbridge Road Residents/Neighbors

Present: William R. Firth, Lyn MacLean, Mr. and Mrs. Thomas E. Reed, Mr. and Mrs. James Alden, Mr. and Mrs. George Walter, Barbara F. Pryor and Eric Blank, abutters.

Executive Secretary Richard E. Thompson stated that a petition had been received in the office of the Board of Selectmen from the abutters of Newbridge Road requesting that said road be accepted as a Public Way. Mr. Thompson said that according to the Highway Surveyor a few of the abutters had not signed the petition. (It was later

suggested that they were probably vacant land owners since an abutter who was present informed the Selectmen that all the people living on Newbridge Road had signed the petition.)

The Executive Secretary reviewed from correspondence, on file in the Selectmen's office relative to the acceptance of Newbridge Road as a Public Way, the following: 1) a letter dated September 14, 1976, in which Town Engineer James V. Merloni responded to a request by Highway Surveyor Robert A. Noyes regarding the preparation of a plan for street acceptance of Newbridge Road; 2) a layout plan of Newbridge Road done by the County in 1977 (no date on the plan but confirmed by the Town Engineer) at a width of 40' which has been reviewed by Mr. Merloni; and 3) a recent letter dated November 1, 1978, from the Town Engineer relative to a request by the Highway Surveyor for the County Engineer to prepare a plan for the layout of Newbridge Road.

Mr. Thompson stated that the Highway Surveyor indicated to him that he would like to submit a street acceptance article to the 1979 Annual Town Meeting for Newbridge Road, and in order to do so is recommending an estimated cost figure for pavement with 2" asphalt of \$5,250 and an additional \$10,550 for the Town to proceed with the necessary takings.

In response to a concern raised by some abutters, the Executive Secretary stated that if Newbridge Road was accepted as a Town Way, this would not necessarily mean that Newbridge Road would be paved to a certain width.

Following further discussion with the abutters it was on motion by Selectman John E. Murray unanimously

VOTED: To direct the Executive Secretary to request the Highway Department and the Planning Board to proceed with the necessary steps for inclusion of a street acceptance article for Newbridge Road for the 1979 Annual Town Meeting.

Site Plan R78-198, Margaret R. Frederickson and St. John Evangelical Lutheran Church,  
16 Great Road

Present: Margaret R. Frederickson, Applicant; Building Inspector Francis E. White.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered the site plan renewal application #R78-198 of Margaret R. Frederickson and St. John Evangelical Lutheran Church, for property located at 16 Great Road.

The Executive Secretary reported that all appropriate abutters and Town officials had been notified, and that the following communications have been received regarding the same: 1) a report from the Building Inspector, dated October 10, 1978, recommending approval; 2) a report from the Board of Health, dated October 30, 1978, recommending approval; 3) a report from the Conservation Commission dated October 30, 1978, indicating no concern regarding this site plan application; and 4) notice from the Sign Review Board dated October 20, 1978, indicating no concern regarding this site plan application; 5) a report from the Planning Board dated October 20, 1978, recommending approval.

Following a review of the plan with the Building Inspector, Francis E. White it was on motion by Selectman Robert J. Hotch unanimously

VOTED: To sign and approve site plan renewal application #R78-198 of Margaret R. Frederickson and St. John Evangelical Lutheran Church, for property located at 16 Great Road, as shown on a plan entitled "St. John Ev. Lutheran Church, Sudbury, Mass.", dated January 7, 1971.

Proclamation

It was on motion unanimously

VOTED: To sign a proclamation designating November 18 and 19, 1978, as Lincoln-Sudbury Scholarship Weekend in the Town of Sudbury.

Order of Taking

It was on motion by Selectman John E. Murray unanimously

VOTED: To execute an Order of Taking necessary for the alteration of Morse Road/Penn Central railroad crossing for walkway purposes, in accordance with a communication dated October 25, 1978, from Town Counsel and as authorized by Article 28 of the 1978 Annual Town Meeting.

Acting Chairman John E. Murray recessed the meeting at 8:10 p.m. for a five-minute coffee break; the meeting was called back to order at 8:15 p.m.

New Town Cemetery Grave Repurchase

The Board agreed to table for one week the question of voting to repurchase Grave #1, Lot 37A, Section 3A in the New Town Cemetery as requested by one of the owners.

Tax Classification Amendment

Present: Joan C. Irish, MAPC Representative.

At the Board's meeting on October 4, 1978, following a discussion of a letter, dated October 2, 1978, relative to the Classification Amendment from the Metropolitan Area Planning Council (MAPC), it was voted to direct the Executive Secretary to express strong opposition to said communication at the upcoming MAPC meeting on October 5th, on behalf of the Board of Selectmen.

Executive Secretary Richard E. Thompson stated that as a result of the opposition expressed by the Board of Selectmen both verbally (at the meeting on October 5th) and by letter dated October 12, 1978, the Board received a communication dated October 31, 1978, which he read, from George B. Bailey, President of the MAPC, explaining its action and position relative to the Tax Classification Amendment.

It was on motion unanimously

VOTED: To acknowledge receipt of a communication dated October 31, 1978, from George B. Bailey, President of the MAPC.

MAPC representative Joan C. Irish commented that she would be attending the MAPC meeting on Thursday and asked the Board for their comments relative to some of the issues to be discussed at that meeting.

The Board stated their support of the adoption of the 208 Water Quality Study Plan, as well as their support for the "Paper Blizzard" which will control the amounts of "paper" (correspondence) distributed by the MAPC.

Site Plan 78-197, Albert E. McManus Trust and The Wendworth Corporation, for property owned by Albert E. McManus Trust, 103-119 Boston Post Road

Present: Albert E. McManus, Applicant; Patrick J. Mallowney, The Wendworth Corporation; Judith A. Cope, Conservation Commission; D. Barry Hill, Attorney for Albert E. McManus; Building Inspector Francis E. White; Christopher Pappas, Attorney for proprietor of Dairy Queen.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered site plan application #78-197 of Albert E. McManus Trust and The Wendworth Corporation, for property owned by Albert E. McManus Trust located between 103-119 Boston Post Road.

The Executive Secretary reported that all appropriate abutters and Town officials had been notified, and that the following communications have been received regarding the same: 1) a report from the Building Inspector dated October 10, 1978, which stated that the use of the drive-up window is not permitted under Bylaw IX (III, C, 2 b), and that the proposed signs will have to be removed from the site plan and submitted separately to the Sign Review Board after site plan approval; also, that approval of the site plan should be conditioned upon action by the Board of Appeals for possible variances required on the plan as presented; 2) a report from the Sign Review Board dated October 20, 1978, stating possible violations of the Sign Bylaw concerning height, internal lighting, location and the intensity of the lighting; 3) a report from the Conservation Commission dated October 30, 1978, indicating no substantial concern but asking the flood plain district be noted on the plan and the possible increase in operations at the landfill and litter; 4) a report from the Planning Board dated November 3, 1978, recommending a traffic study be conducted to determine the impact of traffic generated by Wendy's during its peak hours of operation combined with peak traffic hours on the Post Road and additional traffic movements due to other commercial establishments in the area, following which the Planning Board will make its final recommendation; and 5) a report from the Board of Health dated November 6, 1978, with the following recommendations: "a. The proposed grease trap design was not approved; b. Parking lot surface water drains onto private and state property--retention area to be provided; c. Provide effluent diversion valve for the system--the leaching area is to be divided into two sections; d. The Wayside Package Store's existing private well is located 70 feet from the proposed septic system--minimum distance shall be 100 feet; and e. It is recommended that leaching pits shall be computed on the basis of one square foot of sidewall area per gallon per day of sewage flow."

Mr. Patrick J. Mallowney of The Wendworth Corporation stated that he would be happy to have a traffic study done if it is so desired.

Mr. Thompson stated that the Board must take some action on the site plan tonight as it expires on November 10, 1978.

In answer to Selectman Robert J. Hotch, Attorney D. Barry Hill stated that the reason for the drive-in window remaining on the site plan is that the site plan must be approved before further action by the Board of Appeals on the same. The Building Inspector added that Town Counsel indicated to him that approval of the site plan be conditioned by action of the Board of Appeals.

Mr. Christopher Pappas, attorney for Peter Thomas, proprietor of Dairy Queen on Route 20, stated, on behalf of his client, his concerns regarding the present water table and the present problems related to drainage in the area by the build-up of water on the northerly side of Route 20, flowing across Route 20 onto Dairy Queen property and also stated opposition to the drive-in window because in his opinion it would compound traffic congestion.

Attorney Hill agreed to have his client conduct a traffic study and double check any possible compounding of drainage problems associated with proposed new construction and paving.

During a discussion of the site plan with Building Inspector Francis E. White, the question was raised by Mr. Peter Thomas, as to the possible increased volume of litter that will be generated from the sanitary landfill, if the site plan for Wendy's is approved.

Conservation Commission member Judith A. Cope agreed with Mr. Thomas and expressed concern with possible litter and drainage problems likely to result from pavement of a parking area on the site. Attorney D. Barry Hill strongly objected to Mrs. Cope's comments since the Conservation Commission had previously indicated no substantial concern.

Following further opposition based on possible increased traffic congestion, Mr. Hill stated that Wendy's business will be mostly during the lunch hour and again at the dinner hour, but not necessarily during the peak traffic hours on Route 20.

Following a review of the facts presented and comments made by those present tonight, and due to the fact that the Board of Health has serious concerns, as expressed in their letter dated November 6th, with the site plan which expires November 10th, it was on motion by Selectman John E. Murray unanimously

VOTED: To deny without prejudice site plan application #78-197 of Albert E. McManus Trust and The Wendworth Corporation, for property owned by Albert E. McManus Trust located between 103-119 Boston Post Road, as shown on a plan of land entitled "Site Plan of Land, Sudbury, Mass.", dated March 24, 1978;

and it was further

VOTED: To allow the applicant to file again for site plan approval without fee.

Common Victualler License Hearing - Cobra Enterprises, Inc.

Present: Roger D. Bray and David A. Coughlin, co-managers, Cobra Enterprises, Inc., d/b/a Soup-wich Deli; several abutters from Maple Avenue; Charles Hall, Landlord; Building Inspector Francis E. White.

Acting Chairman John E. Murray announced a public hearing for consideration of an application for a Common Victualler License requested by Cobra Enterprises, Inc., d/b/a Soup-wich Deli, Roger D. Bray and David A. Coughlin, Co-managers, to be exercised at 385 Boston Post Road, Building G, Store 2, Mill Village.

Executive Secretary Richard E. Thompson stated that an application for a Common Victualler License was filed in the Board of Selectmen's office on October 19, 1978, by the above-named, and that although it was not necessary for an advertised public

hearing to be held on a Common Victualler license application, it has been the past practice of the Board to do so; therefore, Mr. Thompson reported that all abutters were notified of tonight's public hearing by letter dated October 26, 1978, and that the following reports had been received relative to the same: 1) a letter from the Building Inspector dated November 3, 1978, stating that the revised floor plan satisfies the requirements of the Massachusetts Plumbing Code and recommending approval; 2) a telephone communication from the Board of Health stating the necessity for further review of the present septage/drainage system and that in two weeks the Board will make its recommendation; and 3) a report from the Fire Chief dated November 2, 1978, recommending approval subject to a final inspection to be done by the Fire Department before a certificate of occupancy is issued.

The Board concurred that prior to any action by them relative to the application for a Common Victualler license they would like to obtain some input from the Board of Health.

Several abutters expressed concern and raised questions to which Mr. David A. Coughlin, Co-Manager of Cobra Enterprises, Inc., d/b/a Soup-wich Deli, responded as follows: that the Soup-wich Deli would be a good and expensive delicatessen, not a pizza shop or a bar; that he is not interested in having a liquor license; that the hours would be 7 a.m. to 7 p.m. (possibly increased to 9 p.m. at some future date), no late night hours; and that seating would accommodate 14-16 people. Mr. Coughlin said that the Deli would not be an attraction to after-school children, nor would the abutters have to worry about litter as he would be responsible for his own trash removal.

Mr. Charles Hall confirmed Mr. Coughlin's statement regarding the removal of trash. Mr. Hall also indicated steps would be taken to improve and screen the trash disposal dumpster on the Mill Village property in response to many Maple Avenue residents' expressed concern about the same. Mr. Hall added that interest in having the Deli at Mill Village has generated from the shop owners and shoppers who are looking for a place to eat during shopping and/or store hours at the Mill Village.

Mr. Thompson stated that approval by the Board of Selectmen tonight could be subject to Board of Health approval and the issuance of an Occupancy Permit only after a final inspection by the Fire Department as requested by the Fire Chief in his communication dated November 2, 1978. Mr. Thompson further stated that the Board of Health would determine seating capacity, size of the facility, etc., and commented that the Sudbury Board of Health's regulations are more restrictive than State health regulations.

Following further discussion it was on motion by Selectman Robert J. Hotch unanimously

VOTED: To table approval of a Common Victualler license application requested by Cobra Enterprises, Inc., d/b/a Soup-wich Deli, Roger D. Bray and David A. Coughlin, Co-Managers, 385 Boston Post Road, Building G, Store 2, Mill Village until the Board's meeting on November 20, 1978, at 8:30 p.m.

Ancient Documents Committee - Hosmer House Collection of Documents

The Board acknowledged receipt of a communication dated October 31, 1978, from the Ancient Documents Committee, relative to its interest in the collection of documents contained in the Hosmer House.

Executive Secretary Richard E. Thompson stated that until the Probate of the Estate of Florence Hosmer is completed, which usually takes about 12 months, the Hosmer property and the contents of the house are not technically in Town ownership.

Selectman John E. Murray said that in the meantime, certain things have been taken care of such as appraisals, securing the property, and applying to the State Historical Commission for funding, which was denied for FY 1979.

Selectman Robert J. Hotch expressed his concern about apparent public misunderstanding of matters surrounding the Hosmer House and asked the Executive Secretary to give the Board a full, written report to help correct the same.

Finance Committee member Edward L. Glazer suggested that plans and objectives be formulated now for the future renovations and use of the Hosmer House in anticipation of the completion of the Probate; and further requested that the Finance Committee be made aware of upcoming financial disbursements related to the same.

The Board directed the Executive Secretary to communicate to the Ancient Documents Committee thanking them for their interest in the Hosmer House and stating that they would be in touch soon to discuss the contents of their letter.

#### Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular session of October 30, 1978, as drafted.

#### Status Report - Construction of a New Dog Pound

Executive Secretary Richard E. Thompson stated that he reviewed the data on test holes made for septage/drainage requirements showing negative results on the Boston Edison property on Route 20 and also on another site off Nobscot Road in conjunction with the Board of Health, the Building Inspector and the Town Engineer relative to the construction of a new dog pound. Mr. Thompson further stated that a written report of the same will be submitted to the Board as soon as possible with recommendations as to the direction in which to proceed.

#### Miscellaneous Reports of Current Items from the Executive Secretary

The Executive Secretary informed the public that the Town Hall will be closed all day Friday, November 10th, due to the Veterans Day Holiday on Saturday, November 11th.

The Executive Secretary reported that the Board of Selectmen met jointly with the Finance Committee and the Personnel Board on Saturday, November 4th, and a written report regarding those consensuses arrived at by said Boards and Committee will be presented at the next Selectmen's meeting on November 13, 1978, dealing with salaries, the Personnel Administration Plan and the Clerical Study.

#### Sale of Alcoholic Beverages - Election Day

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 State Election on November 7, 1978, in accordance with General Laws, Chapter 138, sec. 33, as amended.

Executive Session

At 9:35 p.m. it was on motion by roll call unanimously

VOTED: To enter into Executive Session for the purpose of discussing litigation where open discussion of the same may have a detrimental effect; and for the purpose of discussing the Charity Fund.

(Roll call vote: Selectman Murray in favor and Selectman Hotch in favor.)

Mr. Edward L. Glazer of the Finance Committee and Mrs. Estelle V. Simon concurred with the above vote to go into Executive Session.

Acting Chairman John E. Murray announced that public session would not reconvene following the Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 10:30 p.m.

Attest: \_\_\_\_\_

Richard E. Thompson  
Executive Secretary-Clerk