

IN BOARD OF SELECTMEN  
MONDAY, MARCH 12, 1979

Present: Chairman John E. Murray, Robert J. Hotch and William J. Cossart.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:00 P.M. by Chairman John E. Murray.

Proclamation - 67th Anniversary of Girl Scouts

Present: Approximately 10 members of the Sudbury Girl Scouts.

Chairman John E. Murray read a Proclamation in observance of the 67th anniversary of the founding of Girl Scouts of the U.S.A., following which the Sudbury Girl Scouts in attendance shook hands with the Selectmen and presented them with two boxes of Girl Scout cookies.

It was on motion unanimously

VOTED: To issue a Proclamation in observance of the 67th anniversary of the founding of Girl Scouts of the U.S.A.

Special Permit for Parking Trailers for Rally at Wayside Inn

Present: John C. L. Shabeck, Jr., Rally Chairman; Francis E. White, Building Inspector.

Executive Secretary Richard E. Thompson stated that the Board had received a letter dated March 4, 1979, from the Rally Chairman of the Wally Byam Caravan Club International, Inc., requesting approval by the Selectmen for a private Airstream trailer rally in the East Field of the Wayside Inn on June 22, 23 and 24, 1979.

Mr. Thompson read a communication dated March 12, 1979, received today from Town Counsel addressing the legalities of the same. Town Counsel indicated in his letter that it is within the jurisdiction of the Selectmen to grant such a trailer permit (not to exceed a thirty-day period), that Historic Districts Commission approval would not be required, and that Francis Koppeis, Innkeeper of the Wayside Inn, may apply to the Board of Selectmen on behalf of the Wayside Inn Corporation.

Mr. Thompson also called the Board's attention to a communication dated March 9, 1979, from Francis Koppeis, Innkeeper of the Wayside Inn, requesting permission for the trailer club to use the Wayside Inn grounds on the above-mentioned dates.

Mr. John C. L. Shabeck, Jr., Rally Chairman, showed the Board some pictures taken at various trailer rallies throughout the United States, and assured the Board that their club is always welcomed back. He said that generally there are 30-50 trailers at the rallies, and that he expected approximately 30 trailers would attend the rally at the Wayside Inn if permission were granted.

Selectman Cossart expressed some concern regarding waste water; Mr. Shabeck explained that most of the trailers have holding tanks (he said he had two), and that waste water on the grounds would be very limited. Following some discussion regarding the same, the Board concurred that if they voted to issue the Special Permit, their vote would be contingent upon Board of Health approval.

Selectman Robert J. Hotch questioned the fact that the rally had been scheduled (in the club's printed agenda material) previous to confirmation of the date by the Selectmen, and asked Mr. Shabeck who he had contacted regarding the use of the site.

Mr. Shabeck explained that it was not unusual to schedule rallies before confirmation is made due to their advanced scheduling, and that the club does have a mechanism for notifying its members of cancellations, if necessary, through their monthly newsletter, a copy of which he showed to the Board. Mr. Shabeck continued to say that he had been in contact with the Innkeeper of the Wayside Inn about the June dates some time ago, and was advised more recently by Mr. Koppeis to contact the Board for the necessary final approval.

Building Inspector Francis E. White stated that it would be necessary for the trailer club to obtain a building permit for the 20' X 30' tent, which Mr. Shabeck indicated they would be using for the rally.

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

VOTED: To grant to Francis J. Koppeis, Manager, Wayside Inn Corporation, a Special Permit for the parking of trailers in the East Field of the Wayside Inn on June 22, 23 and 24, 1979, for the purpose of a private Airstream trailer rally to be conducted by Rally Chairman John C. L. Shabeck, Jr., of the Wally Byam Caravan Club International, Inc., subject to Board of Health approval and issuance of a building permit by the Building Inspector for a 20' X 30' tent, and notification to the Police and Fire Departments.

#### Minuteman Regional District Agreement Amendment for Town Meeting Action

On the recommendation of the Executive Secretary it was on motion by Selectman Robert J. Hotch unanimously

VOTED: To place on file in the Board of Selectmen's office a communication dated February 27, 1979, from the Minuteman Regional Vocational Technical School District requesting that the Town of Sudbury schedule Town Meeting action relative to the question of accepting an amendment to the agreement establishing the Minuteman Regional District to provide for the admission of new member towns generally and the Towns of Bolton, Dover, Lancaster and Needham specifically to the District, in accordance with the vote of the Minuteman School Committee on February 20, 1979, for placement in the warrant for the next Special or Annual Town Meeting.

#### Review of Responses dealing with Site Plan Process

Present: Francis E. White, Building Inspector.

The Board reviewed the following responses from those departments involved in the site plan process on the subject of revising procedures for site plan approval,

received as a result of a joint meeting to discuss the same on January 16, 1979: 1) from the Board of Appeals dated February 2, 1979; 2) from the Sign Review Board dated February 28, 1979; 3) from the Planning Board dated January 19, 1979; 4) from the Conservation Commission dated February 9, 1979; and 5) from Administrative Secretary Janet Silva dated March 8, 1979.

Executive Secretary Richard E. Thompson informed the Board that Town Counsel has requested the input from the various Boards and Commissions be referred to his office for incorporation with his own suggestions in a proposed amendment to Section I, Site Plan Submission Rules and Regulations of the Selectmen's Policies and Procedures.

Selectman Robert J. Hotch suggested that the Selectmen review site plan procedures of other towns.

The Building Inspector recommended that the Board consider reversing the procedure whereby an applicant obtains a site plan before approaching the Board of Appeals for a variance, since the fee for a Board of Appeals variance is only \$25 compared to the site plan process requiring a registered surveyor's or registered engineer's seal on plans which may cost \$500-\$1000. Town Counsel commented that the procedure should not be reversed.

Following further discussion it was agreed that all the suggestions and recommendations received, including the Building Inspector's suggestion tonight, be forwarded to Town Counsel for incorporation with his own suggestions in a proposed amendment to Section I, Site Plan Submission Rules and Regulations of the Selectmen's Policies and Procedures, and to schedule a final joint meeting relative to the same following Annual Town Meeting.

#### Special Police Rules and Regulations

Executive Secretary Richard E. Thompson called the Board's attention to communications dated February 23, 1979, from Town Counsel Paul L. Kenny and February 7, 1979, from Police Chief Nicholas Lombardi dealing with the subject of Special Police and rules and regulations for the same, tabled last week at Selectman William J. Cossart's request to familiarize himself with the subject.

Selectman Cossart questioned pursuing legislation for a Special Act for Sudbury to appoint Special Police when there are other categories, such as Auxiliary, Constable and Special Constable, that the Selectmen may appoint to perform similar functions.

Town Counsel confirmed comments by Chairman John E. Murray and the Executive Secretary that, although there is no provision in the General Laws for Special Police, it has been a long-standing practice in Massachusetts for the Selectmen to appoint Special Police due to the need for temporary replacement of a police officer when an auxiliary or constable would not be sufficient because of their limited statutory responsibilities, and that the lack of a provision in the General Laws brings up the question of liability to the Town by using so-called Special Police.

Responding to Selectman Cossart, Mr. Thompson stated that the Police Chief does not support the Selectmen's effort to obtain legislation, as noted in his communication of February 7, 1979, because it is his opinion that the Board is

already authorized to appoint Special Police.

Mr. Thompson continued to say that another reason, aside from the liability question, for pursuing Special Act legislation for Special Police is to allow the use of a Special Policeman to fill a vacancy in the Police Department which would otherwise be filled by a patrolman or reserve patrolman on the Civil Service list who does not necessarily have the required training and who would not be available to us for twelve weeks until the required training has been completed.

Finance Committee member Anne W. Donald expressed the Finance Committee's opinion that there should be some Town rules and regulations drafted for Special Police prior to Town Meeting, if the Board continues to seek legislation.

Mr. Thompson stated that Town Counsel's office has drafted rules and regulations pertaining to Special Police, a copy of which was sent to and objected to by the Police Chief.

In answer to Selectman Cossart, Town Counsel stated that the authority of Special Police (mainly the power of arrest, Chairman Murray stated) cannot be vested in an Auxiliary or Special Constable because State statutory regulations prohibit the same.

Following further discussion the Board accepted the rules and regulations for Special Police, as drafted by Town Counsel dated February 5, 1979, for discussion purposes only and for submission to the Finance Committee for their review and discussion, prior to Town Meeting, with the understanding that said rules and regulations will be officially accepted and approved by the Board at a later date.

Site Plan 79-202 of Alan F. Murphy et al - 407 Boston Post Road

Present: Lee A. Young, applicant; Robert F. Dionisi, Attorney for applicant; Robert Veo, Engineer; Mrs. Frank M. Vana and Robert A. Zapasnik, abutters; Francis E. White, Building Inspector and John C. Cutting, Planning Board.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered site plan application 79-202 of Alan F. Murphy, Katherine V. Murphy and Lee A. Young, for property located at 407 Boston Post Road, Sudbury.

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) from the Planning Board, dated March 9, 1979, expressing concern with access and drainage west of the proposed entrance; 2) from the Town Engineer, dated March 1, 1979, stating the driveway at the street line should be reduced to twenty feet in accordance with the Town Bylaw, recommending a 10' turning radius where the proposed driveway meets Boston Post Road, and strongly recommending a bituminous concrete surface for the parking lot rather than peastone with a metal grating to cover the seepage trench at the rear of the parking lot; 3) from the Board of Health, dated March 1, 1979, indicating disapproval due to inadequate information; 4) from the Building Inspector, dated February 13, 1979, indicating disapproval due to Board of

Appeals action being required for compliance to the Zoning Bylaw; 5) from the Conservation Commission indicating no apparent concern; and 6) from Frank M. Vana, 245 Raymond Road, abutter, dated March 10, 1979, enclosing photographs illustrating his concern regarding standing water and the apparent lack of drainage.

Building Inspector Francis E. White presented the site plan for viewing.

Mr. Robert Veo, the Engineer who prepared the site plan, stated that the septage system is adequate to handle the contemplated load, which will be less than a residence would generate.

Selectman Cossart disagreed with Mr. Veo's method of determining tank capacity and later stated that the Board's vote, if it were to approve the site plan, should be conditioned by Board of Health approval of the septage system. The Board concurred.

Mr. Robert F. Dionisi, Attorney for the applicants, explained that a antique shop would be located on the first level, with office space above in a 1200 square foot area; he continued to say that it is unlikely that the building will have any more than six people in it at a time, so that the septic tank would be adequate at 15 gallons per person per day. Mr. Dionisi later stated that from his research he found that there had never been a problem with the system.

Answering Chairman John E. Murray, Mr. Veo said that surface water would drain to the street; he said he observed no standing water after this past week's rainfall.

Mr. Thompson showed the photographs received by and emphasizing abutter Frank M. Vana's concern regarding standing water on the site. Mr. Veo pointed out flood areas on the photos, and there was some discussion relative to surface water drainage, following which there was a consensus that peastone paving would be adequate.

Selectman Cossart stated that although the septage matter is unsolved, he recommended approval of the site plan for improvement of this parcel of land, and to enable the applicant to proceed to the Board of Appeals.

Following discussion regarding curb cuts, it was a consensus that the applicant would have to apply to the State concerning curb cut requirements.

Mr. Dionisi agreed with the Building Inspector's comments regarding the site plan approval procedure relative to eliminating the requirement of having site plans drawn up prior to going before the Board of Appeals (discussed earlier this evening), and requested that the Selectmen conditionally approve the site plan so that the applicants could proceed with filing before the Board of Appeals.

Mr. Thompson stated that Board of Health approval is based on the data submitted by the applicant, that they usually limit the permit to the number of employees, and that the reason for disapproval was due to lack of information.

Mr. Dionisi stated that he and Mr. Veo were misinformed about the information required by the Board of Health, but that they are willing to comply with whatever the requirements are.

Mr. Thompson suggested that, since this site plan expires March 24th, the Board could request Town Counsel to draft some alternative motions for the board's future acceptance or rejection, the site plan hearing could be tabled until March 20th or continued by mutual consent until Board of Health's approval is obtained, or the Board could conditionally approve the site plan.

Selectman Cossart expressed his opinion that site plan procedure should be as much a concern as the Board's approval.

Mr. Dionisi again requested conditional approval by the the Board so that the applicants could proceed with filing to the Board of Appeals.

Following further discussion, it was on motion by Selectman Cossart unanimously

VOTED: To approve Site Plan application 79-202 of Alan F. Murphy, Katherine V. Murphy, and Lee A. Young, for property located at 407 Boston Post Road, subject to the following:

- 1) Board of Health approval;
- 2) complying with the Planning Board's recommendations in its letter dated March 9, 1979;
- 3) meeting the requirement of the Town Engineer in his communication of March 1, 1979, for a ten-foot turning radius where the proposed driveway meets Boston Post Road;
- 4) State curb cut requirements, if any; and
- 5) obtaining any and all variances or permits required from the Board of Appeals.

#### Fiscal Year 1979-80 Operating Budget

Present: Edward L. Glazer and Anne W. Donald, Finance Committee; Lynne H. Remington, Chairman, Joan C. Irish and Rebecca H. Ritchie, Conservation Commission; and John C. Cutting, Planning Board.

Executive Secretary Richard E. Thompson reviewed with the Board the list of fiscal year 1979-80 Operating Budget items, as printed in the Warrant, and highlighted the Finance Committee's recommended reductions on the same.

The Board took the following positions relative to the Fiscal Year 1979-80 Operating Budget items:

- 1) Account 340 - Building Inspector - not to seek reinstatement of the reduced clerical funds in the Building Department.

Mr. Glazer of the Finance Committee stated in order to cut the budget, services to the Town would have to be cut, and that this area would not be

as crucial as cutting services in other areas.

2) Account 340 - Building Inspector - not to support reinstatement of \$1,000 for Sealer of Weights & Measures.

Mr. Glazer stated the Finance Committee decided that in order to cut costs, it was not a good idea to create a new position.

Selectman William J. Cossart added that the \$1,000 amount of the Sealer of Weights & Measures should pay its own way by fees and suggested this be studied further at a later date.

Chairman John E. Murray stated that this is not a new position, but one not adequately done by the Building Inspector due to other pressing responsibilities of the job.

Finance Committee member Anne W. Donald stated that the Building Inspector should be relieved of his Dog Officer duties (they should be solely the responsibilities of the Assistant Dog Officer) and resume the responsibilities of Sealer of Weights & Measures. The Board agreed to address this subject once the new dog pound facility is in operation.

3) Account 600 - Goodnow Library - the Finance Committee informed the Board of Selectmen that they approved one of the attendant budgets submitted by the Library Trustees which incorporated less library hour usage by the public, but that the Finance Committee's vote does not require or specify closing the Goodnow Library on Sunday, i.e. shorter evening hours could be used by the Trustees.

4) Account 360 - Conservation - to favor the restoration of the Conservation Fund to enable the Conservation Commission to continue their long-range planning for acquisition of land.

5) Account 400 - Highway Department - to support the idea to close the Landfill on Monday holidays.

6) Account 521 - Accounting - disagreed with interdepartmental transferring of personnel and accompanying budget manipulations, as worked out between the Finance Committee and the Town Accountant.

In conclusion the Board agreed to meet again on March 22nd for a final review of the Town Accountant's budget and to discuss alternatives to meet present Tax/Levy CAPS legislation. The Selectmen also agreed to further review their positions and reports relative to the above at their meeting next week, March 20th.

#### 1978 Annual Town Report

On the recommendation of the Executive Secretary, the Board agreed to send a letter of appreciation to the Town Report Committee for its excellent work in producing the 1978 Town Report and to the DeMolay for distributing the Town Report.

Mr. Thompson commented on the poor type setting and uneven distribution of ink in the printing of the Town Report. He said that last year the printer

had done an excellent job which influenced the Board's decision to award the contract to them again this year, unfortunately.

Rescheduling Meetings - Scheduling Joint Meeting 1979-80 Fiscal Affairs

It was on motion by Selectman John E. Murray unanimously

VOTED: To confirm rescheduling of the regular session of March 19, 1979, to March 20, 1979; and it was further

VOTED: To reschedule the regular session of March 26, 1979, to March 28, 1979; and it was further

VOTED: To confirm the time of the Warrant Review to begin at 8:00 P.M. on March 28, 1979; and it was further

VOTED: To schedule meetings on April 2, 3, 4, 9, 10 and 11 at 7:30 P.M. in the Library of the Lincoln-Sudbury Regional High School prior to Town Meeting in place of the regularly scheduled meetings on April 2 and 9, 1979; and it was further

VOTED: To schedule a Saturday general meeting with all departments, boards and commissions relative to 1979-80 fiscal affairs of the Town and the 1979 Annual Town Meeting on March 31, 1979, at 9:00 a.m. in the lower Town Hall.

Resignation

The Board accepted with regret the letter of resignation dated February 28, 1979, from Allen H. Keough, Jr., Patrolman with the Sudbury Police Department, effective March 17, 1979.

The Board directed the Executive Secretary to send a letter of appreciation to Mr. Keough for his service in the Police Department.

Minutes

It was on motion unanimously

VOTED: To accept the minutes of the regular and executive sessions of February 20, 1979, and the Town Fathers Forum of February 26, 1979, as drafted, and the regular session of March 5, 1979, as amended.

Current Items of Interest

Sign Review Board

The Board directed the Executive Secretary to schedule a meeting in Executive Session on March 20th to discuss litigation with the Sign Review Board, Town Counsel and the Building Inspector.



Articles 24 and 25 - 1979 Annual Town Meeting

The Board directed the Executive Secretary to schedule a meeting with the School Committee to discuss Articles 24 and 25, Fairbank School roof repairs and Horse Pond School heating system.

MAPC Review of Grant Preapplication

On the subject of HUD rehabilitation grant preapplication, the Executive Secretary reported to the Board that he contacted Joan Irish, our MAPC representative, and she concurred with his recommendation to the Board to strongly object to MAPC semi-negative review, because single family houses and rehabilitation is a local, regional and federal priority to improve housing stock; and further agreed with the Executive Secretary that MAPC's comment in their communication of February 15, 1979, that, "while the town has made an effort to provide long term assistance to elderly households, it has not made an equivalent effort for family households", is untrue since the Town does have 705 housing programs and is prohibited by financial ceiling limitation from active participation in Section 8 housing program.

Executive Session

At 10:15 P.M. it was on motion following a unanimous roll call

VOTED: To enter into Executive Session for the purpose of discussing the strategy for collective bargaining or litigation where open discussion of the same may have a detrimental effect.

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

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:

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Richard E. Thompson  
Executive Secretary-Clerk