

IN BOARD OF SELECTMEN  
TUESDAY, NOVEMBER 13, 1979

Present: Acting Chairman William J. Cossart and John E. Murray.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:00 p.m. by Acting Chairman William J. Cossart.

Indemnification of Municipal Officers

Following discussion it was on motion by Selectman John E. Murray unanimously

VOTED: To direct Town Counsel's office to prepare the necessary ballot question to accept Chapter 396 in order for the Town to continue to indemnify municipal officers, in accordance with a communication dated November 6, 1979, from Town Counsel's office.

Road Construction

Executive Secretary Richard E. Thompson stated that on the recommendation of the Highway Surveyor, under date of November 2, 1979, Town Counsel's office has also given a recommendation, verbally for the Selectmen to sign a Memorandum of Agreement with the Massachusetts Department of Public Works relative to road construction in Sudbury (Nobscot Road, Union Avenue and/or other approved roads) under the General Laws, Chapter 90, section 34, and Chapter 480 of the Acts of 1979.

Selectman Murray cautioned that we should not proceed to reconstruct a road in an area where we contemplate major drainage work in the near future by the State or the Town, specifically in the two areas of Route 20 and Union Avenue and Union Avenue and Concord Road.

Following further discussion it was on motion by Selectman Murray unanimously

VOTED: To sign a Memorandum of Agreement with the Massachusetts Department of Public Works relative to road construction in Sudbury (Nobscot Road, Union Avenue and/or other approved roads) under General Laws, Chapter 90, Section 34 and Chapter 480 of the Acts of 1979.

Boston Region Transportation Improvement Program, 1980-84

During discussion relative to the Boston Region Transportation Improvement Program for 1980-84, dated October 1979, Executive Secretary Richard E. Thompson explained that this document is a commitment of slated projects for 1980 through 1984 - plans to be finalized by the end of June, 1980, with construction to follow through 1984, depending on availability of funds from the Federal Government.

Executive Secretary Richard E. Thompson commented that plans for four intersection improvements under the Urban System Program are complete and can be reviewed in the Engineering office; they are being held for a status report from the Highway Surveyor, pending a meeting to be arranged with the State Department of Public Works, District 4. Funds in the amount of \$175,000 have been committed for these four intersections, and \$850,000 slated for Route 20 widening and improvements has not yet been committed.

Following discussion it was on motion by Selectman Murray unanimously

VOTED: To direct the Executive Secretary to forward a communication to the Central Transportation Planning Staff (CTPS) notifying that agency of the Board of Selectmen's endorsement of the Boston Region Transportation Improvement Program, 1980-84, dated October, 1979, received from the CTPS under cover letter dated October 29, 1979.

Coatings Engineering Corporation - National Pollutant Discharge Elimination Permit

Following review, the Board approved, with modification, a communication prepared by the Executive Secretary to be sent by the Board to Thomas C. McMahon, Director, Division of Water Pollution Control, relative to the National Pollutant Discharge Elimination permit application of Coatings Engineering Corporation.

The Executive Secretary stated that he would have the revised letter ready for the Selectmen to sign in the office tomorrow.

Mr. Thompson stated that he spoke to Mr. Thomas Craig, General Manager of Coatings, today and he asked Mr. Thompson to express to the Board that Coatings has had their first testing, and the results were good; also, that he was hopeful the harmonious relationship, which he felt existed in the past, continue and that any further inquiries be forwarded to him. Mr. Thompson recommended that a copy of the above-mentioned communication be forwarded to Mr. Craig. The Selectmen concurred.

Recommendations by the Mosquito Control Study Committee

The Board reviewed a communication dated November 6, 1979, from the Mosquito Control Study Committee relative to its recommendations for action in the control of mosquitoes and gypsy moths.

Selectman Cossart reported, on behalf of the Committee, that the above-mentioned communication is a draft of what has transpired so far - findings and recommendations - a copy of which has also been forwarded to Karen Rasile of the Board of Health and Joan Irish of the Conservation Commission for comment.

Selectman Murray referenced part 3 of the report and questioned whether the Committee is suggesting a single appropriation this year for both a. aerial spraying as a means of adulticiding and b. water management and larviciding, or two separate appropriations.

Selectman Cossart responded that, while the Committee supports the Board of Health's yearly appropriation under Account 800-71 for insect control, they suggest that a more intensive program of larviciding be done in early Spring, while a smaller amount of the single appropriation be reserved for any necessary aerial spraying, since the effectiveness and safety of aerial spraying is questionable.

Selectman Cossart pointed out that water management is another area the Committee is focusing on. Selectman Cossart mentioned the use of certain equipment for this purpose and the possibility of purchasing some equipment for work in swamp and stream areas. Selectman Murray stated that he had some information about that type of equipment, and that he would get it to Selectman Cossart.

The Board suggested that the Executive Secretary forward a copy of the above-mentioned communication dated November 6, 1979, to the Highway Surveyor for comment, and agreed to table further discussion until the Board's meeting next week, November 19th, hopefully having comments back at that time from the various Boards/Commissions.

Site Plan Application #79-212 - HyComp, Inc., Lot 2 Powder Mill Road

Present: Dr. Richard J. Gurski, President, HyComp, Inc., Angelo Basile, Engineer, Hycomp. Inc.; Conservation Commission Chairman Judith A. Cope and members, Joan C. Irish and Conservation Associate Lynne H. Remington; and Town Engineer James V. Merloni.

In accordance with Article IX, Section V of Paragraph A of the Sudbury Bylaws, the Board considered Site Plan Application #79-212 of HyComp, Inc., for property located at Lot 2 Powder Mill Road, Sudbury, zoned Limited Industrial and owned by Richard J. Gurski and Norman S. Palazzini.

Acting Chairman William J. Cossart pointed out that this site plan expires on November 25th, and if a decision can not be reached tonight, it will be continued until the 19th or, by mutual consent of all parties, extended to the 26th of November.

Executive Secretary Richard E. Thompson reported that all appropriate abutters and Town officials had been notified, and that the following communications, which he read, had been received regarding the same:

- from the Town Engineer, dated November 1, 1979, recommending conditional approval. Mr. Thompson noted that a copy of this communication had been sent to HyComp, Inc.
- from the Board of Health, dated November 9, 1979, approving the septic system and recommending that a monitor well be installed on the property.
- from the Conservation Commission, dated November 7, 1979, requesting a possible Wetland Protection Act hearing and expressing the following concerns:
  - that harmful contaminants are kept out of the water system;
  - that the developer characterize effluent;
  - that restrictions be described on the deed;
  - that chemicals not be used to clear snow from the parking area;
  - that it be determined if this is a recharge or discharge area; and
  - that the Town be guaranteed of off-site disposal of waste material used in the manufacturing process.
- from the Planning Board, dated November 6, 1979, recommending conditional approval. A copy of this communication was given to Dr. Gurski at the hearing.
- Mr. Thompson referenced minutes of the November 9th emergency meeting with representatives from HyComp and other concerned Boards and Commissions to address the possibility of a restricting covenant to be recorded at the Registry of Deeds. A copy of these minutes was given to Dr. Gurski at the hearing.

Mr. Thompson for Chairman Hotch credited Selectman Murray for coordinating the emergency meeting last Friday. Assistant Town Counsel attended and is drawing up a restrictive covenant addressing the concerns of the Conservation Commission and the Planning Board, which will be recorded (at the Registry of Deeds) following a consensus of the same by HyComp and the concerned Boards.

Selectman Murray suggested the hearing could be continued to next Monday if Town Counsel could have the restrictive covenant ready for HyComp to pick up tomorrow afternoon. Town Counsel concurred.

Selectman Cossart pointed out that the meeting on Monday will be for the purpose of making a decision only; there will be no further discussion at that time. Selectman Cossart stated that HyComp would be notified during the week, if there was any change in these plans.

Mr. Thompson stated that Mr. Merloni was present with the site plan.

Selectman Cossart again referenced the Board of Health's communication of approval; the Town Engineer confirmed the Board's approval of the septic system and stated that their only other concern was that a monitor well be installed on the property.

Mr. Merloni stated that the only question he addressed was relative to drainage - a request that the required number of leaching basins be the standard type used by the Town of Sudbury. The Town Engineer explained the leaching system to satisfy concerns raised by Selectman Cossart and Conservation Associate Lynne Remington.

Selectman Cossart asked Dr. Gurski to explain the details of the process of the manufacturing plant with emphasis on the materials/chemicals used.

Dr. Gurski displayed products which are manufactured at HyComp through an evaporation process in a vacuum system, which he explained. Nickel chromium, he stated, is used in the vacuum process.

Selectman Cossart commented that HyComp did not appear to be a high volume manufacturing company.

Dr. Gurski responded that their volume of business is approximately one million dollars a year; they hope to expand to approximately 72 employees (they are half that size now); their work week is Monday through Thursday, Friday is overtime, and there is no night shift.

Dr. Gurski stated that he submitted a biodegradable report to Health Director John Sullivan.

Responding to Selectman Cossart, Dr. Gurski stated that only the solvents listed in the report to the Board of Health get into the sanitary system, other wastes used in the process are trucked away; such as, flammables to the Fire Academy. Responding to Lynne Remington, Dr. Gurski stated that HyComp purchases approximately fifty-five gallon drums of alcohol every six months and stores approximately eight gallons of acetone, methylene and chloride at a time. In answer to Selectman Cossart, Dr. Gurski stated that one floor of the proposed building (approximately 10,000 square feet) will be vacant for a while. Dr. Gurski showed the plan of the two floors - the office and production areas.

Mr. Thompson called the Board's attention to the Planning Board's letter of November 6, 1979, raising the following concerns:

- that catch basins be equipped with MDC traps, or the equivalent, to prevent petrochemical contaminated surface runoff from infiltrating the groundwater. The Town Engineer stated that this does not pertain to the drainage system - their concern is with oil and other car drippings.
- that parking be limited to the rear of the building. The Town Engineer stated that the Planning Board is considering, for esthetic purposes, a bylaw change to this effect; but in this case, he would not recommend parking in the rear because the septic system and the catch basins are located there. Dr. Gurski concurred based on the lot elevations.
- that a monitor well be installed for testing contamination of ground water. Mr. Thompson pointed out that this was also requested by the Board of Health.

Following further discussion the Board was in agreement that Site Plan application #79-212 of HyComp, Inc., for property located at Lot 2 Powder Mill Road, be taken under advisement until November 19, with the understanding that, if a consensus cannot be reached at that time, by mutual consent, it will be extended to November 26th. Selectman Cossart added that HyComp can pick up a copy of the restrictive covenant tomorrow in the Selectmen's office; Town Counsel stated that it would be ready by 4:00 p.m.

#### Town Land Abutting Haynes Property

Present: James V. Merloni, Town Engineer.

Executive Secretary Richard E. Thompson stated that the Board had met with Mr. and Mrs. Haynes on October 9th, at the Haynes' request, to discuss their concerns relative to the Town property surrounding the Flynn Building as it affects their abutting property, and the purpose of tonight's meeting was to further discuss the matter with the Town Engineer to possibly reach a consensus before meeting again with Mr. and Mrs. Haynes. The Executive Secretary explained that the Selectmen had questioned why a plan was not available delineating the Haynes and Town property; he stated that there is a plan available but not specifying any recommended modification to the Town property responding to the Haynes concerns, and the Town Engineer had worked on some aerial photographs and mapping of the Town and Haynes property in conjunction with his communication of November 8, 1979, to the Selectmen dealing with drainage and other problems.

Selectman Murray suggested that the Board research past action of past Boards by reviewing old minutes in order to get a clearer picture of the entire sequence of events surrounding the Haynes property.

Mr. Thompson stated that he was not aware of any records of official action taken by past Boards since 1972, when he began working for the Town, but that there had been several discussions with the Haynes family, since then and probably before that time, with the various boards, commissions and/or departments.

Selectman Cossart pointed out that Mr. and Mrs. Haynes clearly indicated, when they met with the Board on October 9th, that the Town had been unresponsive

in the past. He stated that he was enormously sympathetic to their problems associated with living next to municipal buildings - late night meetings, loss of privacy, noise and headlights late at night when meetings break up.

Lynne Remington pointed out that one of the problems with the 'no parking' sign in the driveway between the Haynes property and the Flynn Building is that, in her opinion, 8 p.m. to 8 a.m. suggests no overnight parking; consequently, people attending nighttime meetings are parking there during those restrictive hours for short spans of time.

The Town Engineer stated that one of the things the Board had discussed with Mr. and Mrs. Haynes was the elimination of the driveway between the Flynn Building and their property. The Town Engineer stated that he spoke to the School Department and learned that the only access to the Flynn Building, twice a day, would be that driveway, since school busses prevent public use of the other driveway between the Flynn Building and the Loring Parsonage. This means emergency vehicles would also be excluded twice a day.

Selectman Cossart said that the Town Engineer has a valid point and stated that Mr. Haynes was more concerned about the use of that driveway in the evenings. He said that he feels the Town owes the Haynes a solution to their problem. Selectman Cossart referenced the drainage problem as well, and said he felt it developed after the school added the hard top area, causing runoff onto the Haynes property.

Mr. Merloni disagreed, and stated that the hard top would reduce the runoff because of the curbing along the driveway down to Old Sudbury Road to the catch basins. He stated further that the Highway Department plows snow away from the property.

There was some discussion regarding the existing concern about a privacy screen; also, about the possibility of chaining the driveway at night.

Mr. Merloni showed an aerial photograph of the area and explained that the only area of Town property draining onto the Haynes property is approximately 1/10 of an acre.

Following further discussion, it was a consensus to table further discussion until the Board's next meeting on November 19th, when the Board will review cost estimates with the Town Engineer dealing with possibly closing the driveway at night and consider alternate plans to address the drainage problem at that time.

#### Dog Pound Construction

Present: James V. Merloni, Town Engineer.

Executive Secretary Richard E. Thompson stated that bids were opened on November 9, 1979, at 11:00 a.m. for the sub-trades of the proposed dog pound - bids received were for masonry, roofing and plumbing, unbid sub-trades were for foundation, carpentry and electrical. Mr. Thompson read the Town Engineer's letter of November 13th, recommending that the Board reject all bids and investigate another means to get this project moving besides public bid.

Based on the Town Engineer's recommendation, the Executive Secretary recommended that the Board reject all bids and proceed to obtain quotes, without public bidding, which by statute is allowed as the next process.

Following discussion it was on motion by Selectman Murray unanimously

VOTED: To reject all bids received on November 9, 1979, for the construction work on the dog pound to be located at the Sanitary Landfill, in accordance with recommendations by Town Counsel (verbally) and the Town Engineer dated November 13, 1979.

And it was further

VOTED: To request Town Counsel to furnish the Board with an opinion as to how to proceed with this project in compliance with the General Laws of the Commonwealth of Massachusetts.

1980 Annual Town Meeting Warrant Articles

Present: James V. Merloni, Town Engineer.

Acting Chairman William J. Cossart opened discussion relative to a summary/list of proposed articles, prepared by the Executive Secretary, for the 1980 Annual Town Meeting. Selectman Cossart stated that December 3rd is the closing date for the non-monied articles.

The Board addressed the list as follows:

Amend Zoning Bylaws - permitted uses in various zones:

Town Counsel stated that he would review the bylaw and address the scope of the permitted uses section. Mr. Thompson pointed out that the Board's main concern was the definition of uses as it pertains to restaurants.

Create New Bylaw under Section 6N of Chapter 40, allowing Town to make repairs to private ways: Mr. Merloni stated that the Town cannot expend Town funds to make repairs on private ways under Section 6N of Chapter 40. Mr. Thompson added that it is the Town's discretion, however, to do so in the case of plowing snow. The Board requested an explanation of the Town's policy and a report from the Town Engineer listing private ways and public ways and the number of non-accepted roads which the Town still has bonding on. Selectman Cossart questioned a bylaw change which would allow the Town to spend money to repair non-accepted roads.

Mr. Merloni stated that of 115 miles of roads in Sudbury, 100 miles are public ways, 15 miles are private ways of which approximately 2/3 are fairly recent sub-division roads that we do have bonding on, and approximately 7 miles of which are older private ways that do not have any bond coverage at all. He also explained the process of a road becoming an accepted road. In conclusion, the Selectmen requested further comment/report from the Highway Surveyor, a copy of the statute, a breakdown of public and private ways and the impact of money

associated with the proposed article.

Street Acceptances: Oak Street (separate article), Allan Avenue (portion), Forest Street, Hunt Road, Ridge Hill Road and Munnings Drive: Mr. Thompson pointed out that some of these will be monied articles, such as Oak Street.

Amend Zoning Bylaw - Site Plan Approval Procedure: Mr. Thompson commented that Town Counsel gave the Board recommendations for amending the site plan approval procedure and is in the process of putting an amended version together, especially as the site plan process pertains to approval by the Selectmen prior to Board of Appeals approval. Mr. Thompson stated that he would follow up on the comment raised by the Town Engineer that Myron Fox of the Board of Appeals was not aware of the consideration being given to a bylaw change to amend the site plan procedure. The Selectmen directed the Executive Secretary to research the procedure of other towns and report back to the Board. Mr. Thompson commented that the Planning Board is discussing an amendment pertaining to the square footage coverage of a lot in connection with required parking spaces related thereto. Town Counsel commented that the real problem in the definition of uses concerns special permits for allowed uses under the Board of Appeals.

Mr. Thompson referenced the following proposed articles for the December 31 closing:

Possible land purchase for Police Station expansion

Funds for plans and construction of Police and/or Fire facilities

Appropriation for water testing program

Dutton Road improvements - Women's Federation, Sudbury Laboratories

Update Official Town Map

Civil Service

Other standard Articles

Mr. Thompson added that recently we went out to bid on the Town Report, and Proceedings and that all bids received exceeded the appropriation. His suggestion was that the Town Report not be distributed Town-wide, as presently required under the Town bylaws, and an article be considered for Town Meeting consideration to amend the same.

Review of Payroll and Bills Payable Warrants

It was on motion by Selectman Cossart unanimously

VOTED: To table the question of scheduling the Selectmen's review of Payroll and Bills Payable Warrants.

Appointments

Town Historian

Selectman Murray suggested that if the Board continues the practice of



appointing a High School student as Town Historian that perhaps a specific project should be assigned to the student, which can be completed during his short term and also set him apart from the other Town Historians. Selectman Murray continued to say that he feels at this time that he would like to appoint Michael Davis, who was recently interviewed by the Board, and assign him the project of creating a Town flag, which can be used on special occasions and in parades.

Executive Secretary Richard E. Thompson pointed out that Michael Davis is a junior; last year's High School Town Historian was a senior.

Selectman Cossart stated that he had spoken to both Don Max and Forrest Bradshaw, and that they had expressed mutual desires not to continue as Town Historian. Selectman Cossart had an outline from the Town Historians, which he requested from them, explaining the duties and qualifications of a Town Historian. Selectman Cossart requested the Executive Secretary to make copies of the same for the other Board members.

Following discussion the Board directed the Executive Secretary to contact the Historical Commission, the Sudbury Historical Society and the Ancient Documents Committee for recommendations from them for nominees to the position of Town Historian.

It was on motion by Selectman Murray unanimously

VOTED: To appoint High School student Michael Davis as Town Historian for a term to expire April 30, 1980.

#### Minutes

It was on motion by Selectman Cossart unanimously

VOTED: To accept the minutes of the Regular Session of October 29, 1979, the Executive Session of November 5, 1979, and the Town Fathers Forum of September 24, 1979, as drafted; and to accept the minutes of the Regular Session of November 5, 1979, as amended.

#### Signing Payment Statement - Construction of Landham Road

It was on motion by Selectman Cossart unanimously

VOTED: To sign a payment statement for the period of September 4 to September 28, 1979, relating to construction of Landham Road, by R. Bates & Sons, for submission to the Department of Public Works for reimbursement.

#### Current Items of Interest

##### Ephraim's of Sudbury

The Executive Secretary confirmed information that Coolidge Bank and Trust Co. is still holding the mortgage on Village Green, and that Mr. Johnson is now located at the Village Green, acting as Trustee and co-ordinator. Mr. Thompson

stated that the project is coming along well; the only problem at the present time appears to be with the lift for the handicapped at Ephraim's Restaurant.

Dump Stickers

Selectman Cossart requested the Executive Secretary to contact the Highway Surveyor relative to the issuance of stickers for use of the Sanitary Landfill.

MBTA Assessment

Selectman Cossart brought to the Board's attention a communication dated November 6, 1979, to Mr. Richard Piper from the Massachusetts Taxpayers Foundation Inc., relative to MBTA assessments to cities and towns.

There being no further business to come before the Board, the meeting was adjourned at 9:45 P.M.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk