

IN BOARD OF SELECTMEN  
TUESDAY, APRIL 15, 1980

Present: Chairman John E. Murray, Anne W. Donald and William J. Cossart.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:15 p.m. by Chairman John E. Murray, in the library of the Lincoln-Sudbury Regional High School.

Public Hearing - Bullfinch's Inc., 730 Boston Post Road

Present: Thomas S. Richardson, Applicant, Margaret K. Richardson, and Edward A. Sokoloff, Atty., all of Bullfinch's, Inc; S. Robert and Judith A. Poulin; Janet M. Brennan; William T. Rynne; Shepard S. Goldstein; Richard F. Brooks, Carol Sokoloff and Normand Martel, of Taylor Rental, abutters and interested residents.

Chairman Murray convened a public hearing on the applications of Bullfinch's, Inc., Thomas S. Richardson, Manager, for common victualler, all alcoholic beverages restaurant, and weekday entertainment licenses, dated March 31, March 18, and March 31, respectively, for property located at 730 Boston Post Road (Wayside Plaza).

Executive Secretary Richard E. Thompson stated that all appropriate abutters and Town Officials had been notified and noted receipt of the following communications:

- from the Building Inspector, dated April 14, 1980, stating his intention to issue a certificate of occupancy upon completion of certain alterations based on the floor plan, which he had reviewed and approved; and
- from the Fire Chief, dated April 11, 1980, recommending approval.

Atty. Sokoloff showed the original passports of both Thomas S. and Margaret Koch Richardson, and stated that he would get a copy of these documents to the Selectmen's office by the end of the week.

Mr. Thompson stated that, based on the Town's population, we are entitled to have fifteen pouring licenses; nine have been issued and six are available.

Atty. Sokoloff introduced Mr. Thomas S. Richardson, Manager and applicant of Bullfinch's, Inc., and his wife, Margaret Richardson, Vice President and Assistant Clerk of the corporation. It was pointed out that Mr. and Mrs. Richardson have been residents of Sudbury for ten years and in the retail food business for eleven years. Mr. Richardson operates a number of food establishments in New York. Atty. Sokoloff stated that as part of the application. Mr. Richardson will agree, and has so stated to people who have made inquiries and requests, to limit entertainment at Bullfinch's to soft background music - there will be no live entertainment. Hours will be limited to 12 midnight on weeknights and 1:00 a. m. on Friday and Saturday nights.

Selectman Murray explained that customarily All Alcoholic Beverages Licenses are restricted to 12 midnight and have been recently extended to a 1:00 a. m. closing for Friday and Saturday evenings. Mr. Thompson added that an extension to 2:00 a. m. is usually granted for New Year's Eve.

Atty. Sokoloff stated that the intention of Mr. Richardson in the establishment of Bullfinch's is to cater/accommodate the eating public - it is not intended to be an operation where people will be coming in and out all night just to have drinks. Atty. Sokoloff presented to the Board signatures of over one hundred residents of Sudbury who are in support of the application.

Mr. Thompson reviewed the necessary documents that had been received by the Selectmen's office.

Mr. Richardson showed a portfolio (including menus and decor) of existing operations under his management in New York and the floor plan for Bullfinch's in Sudbury.

Atty. Sokoloff pointed out that the maximum seating capacity, as noted in the Building Inspector's letter, is 84 plus 10 seats at the bar, for a total of 94. He stated that for all practical reasons, it was not expected that there would be more than 60 people in the restaurant at any given time. He explained the seating area, lounge and waiting areas, etc. on the floor plan.

Mr. and Mrs. S. Robert Poulin introduced themselves and stated that they have known the Richardsons for the seven years they have lived in Sudbury. Mr. Poulin stated that they have visited three of the four restaurants managed by Mr. Richardson and expressed a very high opinion of them. Mr. Poulin spoke of the appearance of the restaurants, the relaxing atmosphere and high quality of food and concluded by recommending a restaurant of this caliber in Sudbury.

Mrs. Janet M. Brennan of 7 Uplook Drive expressed her opposition to the establishment in terms of the neighborhood becoming overcrowded and her concern that there will be more traffic accidents because of the increased traffic generated by a late night food and drink establishment. Mrs. Brennan requested that, if the application were approved, some consideration be given to dividing the parking lot between Taylor Rental and Wayside Plaza to alleviate the annoyance of cars exiting from the Taylor Rental Parking lot in the evenings when Taylor Rental is closed. Selectman Murray stated that he recalled this was requested once before when Taylor Rental's application was being addressed and he seemed to remember that the Fire Chief or Town Engineer may have had some reservations about dividing the parking area. Selectman Murray directed the Executive Secretary to look into it and so inform the Board.

Mr. William T. Rynne of 25 Washington Drive stated that the building, as it is now, served only retail and professional space, with the exception of the Pancake House, which closes early, so there is very little activity in the area. He continued to say that if a liquor license is permitted to go into that location, it would really alter the makeup of that building. As an abutter, Mr. Rynne felt that a restaurant and bar would adversely affect his neighborhood. Mr. Rynne expressed concern about noise late in the evening - that the level of conversation after drinking can get quite loud, cars starting up, kitchen noise. Mr. Rynne stated that there is a certain amount of noise right now in his neighborhood from the 99 Restaurant. He asked the Selectmen to consider these hardships, which his neighborhood would be subjected to, if this restaurant and bar were allowed.

Mr. Shepard S. Goldstein of 2 Washington Drive expressed his opposition to Bullfinch's stating that, in spite of its quality, we should consider the overflow of crowds, such as has been experienced at the 99 Restaurant. Later he stated that this restaurant will attract the overflow of the 99. He spoke about disturbances, such as lights in the parking lot and noise, including employees leaving after hours.

Mr. Richard F. Brooks expressed opposition because this is basically a residential area. He stated his feeling that adding a liquor-licensed establishment with late hours in an area which has previously catered to the general public during the day and early evening hours would be objectionable. Mr. Brooks stated that a liquor license should be only for the benefit of the public, and his opinion that issuance of a license in this area would be a disinterest to the abutters and to the Town in general. Mr. Brooks stated his opinion that the Town has had enough problems (experience) with the 99 and should expect Bullfinch's to become a drinking spot if it is open late at night - people who are out to dinner will go home at 8 or 9 p.m. Mr. Brooks added that if Bullfinch's is successful, traffic and sewerage hazards will be created, in his opinion.

Mrs. Poulin rebutted as a resident of Sudbury (not from an abutter's point of view) by stating that she enjoys going out to lunch at a nice restaurant, locally; that Bullfinch's should not be compared to the 99, Friendly's or any other restaurant in Town; and pointed out that both the Wayside Inn and Ephraim's are open late at night. She stated that she frequently goes out to dinner at 10:00 p.m., and prefers to stay in Sudbury.

Mrs. Brennan stated that she had been denied food service at 11:00 p.m. at The Sudbury House when the bar was still open and thought officials should be aware of that. She responded to Selectman Murray that she had not reported it at the time.

Atty. Sokoloff commented as follows:

- for many years, that property has been Business zoned, and it is within the rights of the owners and the applicant to have these licenses issued. This is not a hearing for a variance;

- the 99 is not a restaurant but a bar and should not be compared to Bullfinch's, which will be a restaurant. You cannot have a first/class quality restaurant without an All Alcoholic Beverages License;

- Sudbury needs a place like this - it is in the best interest of the public;

- there is no parking in the rear. The parking is in the front so that the noise will be buffered by Route 20 traffic. Also, this will be the only parking, since no one else is open at night in the Plaza;

- no sewer hazard - as part of the lease, there is a provision that the septic system be cleaned every six months (beyond what the law requires).

Mr. Brooks pointed out some failures in sewage systems at various restaurants in Town and pointed out that in each case it was after Board of Health approval.

Selectman Cossart stated that he was on the Board of Health when the system was put in at Wayside Plaza and that it is an excellent system. The problem at Ephraim's was due to a crack in the tank and not associated to the fact that there was a restaurant involved; and the problem at J. T.'s was because they overlooked the system and it had to be repaired.

Following further discussion it was on motion by Selectman Murray unanimously

VOTED: To continue the hearing on the application of Bullfinch's, Inc., for common victualler, all alcoholic beverages restaurant, and weekday entertainment licenses for property located at 730 Boston Post Road (Wayside Plaza) until April 22, at which time a decision will be made; there will be no further discussion.

#### Walkway Easements - Haynes Road

Executive Secretary Richard E. Thompson stated that the Highway Surveyor had recommended that the Board accept two walkway easements on Haynes Road, dated October 4, 1979, and October 27, 1979, respectively.

The Board questioned if there were any other easements remaining on Haynes Road and directed the Executive Secretary to request an update on the same from the Highway Surveyor.

Following further discussion it was on motion by Selectman Donald unanimously

VOTED: To sign walkway easements on Haynes Road, all as shown on a plan entitled "Plan of Land in Sudbury, Massachusetts, Showing Walkway Easement, Haynes Road", dated July 10, 1979, from the following people:

- Roy O. Hannan and Dorothy M. Pratt, 235 Haynes Road; and
- John O. and Sandra L. Billington, 213 Haynes Road.

#### Student Exchange Dinner with Maidstone, England Students

The Board acknowledged receipt of a communication dated April 7, 1980, from Norma K. Deranian of the Lincoln-Sudbury Regional High School Student Exchange Committee notifying the Board of a student exchange dinner to be held at the Pierce House in Lincoln, honoring students from Maidstone, England, on April 17 at 6:00 p.m. The Selectmen expressed interest in attending and confirmed that Selectmen would be at the dinner and would present plaques, on behalf of the Town, to the students from Maidstone, England.

#### Minutes

It was on motion unanimously

VOTED: To approve the correction of page 18 of the minutes of March 17, 1980;

and it was further

VOTED: To table the transcript of the Town Fathers Forum of February 26, 1980, and the minutes of the Regular Sessions of April 7, 8 and 9, 1980, until the April 22 Selectmen's meeting.

Current Items of Interest

Contract to Coat Oil Tank at Town Hall

It was on motion by Chairman Murray unanimously

VOTED: To confirm the Board's telephone vote earlier today (April 15) to award a contract for the interior protection coating (Armor Shield, TL-300) of the 10,000 gallon oil tank situated underground at the rear of the Town Hall, to J. D. Hallberg Tank Lining Corp., in accordance with the specifications of the Town of Sudbury and Mr. Hallberg's bid dated April 14, 1980, in the amount of \$5,200.

Sperry Research Center

Executive Secretary Richard E. Thompson informed the Board of a telephone inquiry from the Building Department relative to a site plan which had been submitted by Sperry Research Center for the placement of two temporary trailers on its property, presumably to be used for temporary office space during the corporation's expansion. Building Inspector Joseph E. Scammon questioned the 1960 date on the site plan and the use of a site plan with a scale of 1"=80'. The Board briefly discussed these two points and directed the Executive Secretary to obtain a copy of the site plan for its review, following which the Board would make a decision.

Sign Review Board

Executive Secretary Richard E. Thompson showed the Board a sketch of a sign for the Arts Festival which Mr. Marchette, of the Office of Cultural Affairs, would like to use on two signs located at the two fire station locations on Routes 20 and 117. The Selectmen approved the sketch.

The Board discussed and agreed that they would like to have these two signs at the above-mentioned locations, be permanent community signs, which can be continually changed with the use of a "sandwich type" sign. The Selectmen, however, expressed their concern that this meet with the Sign Review Board's approval. In the meantime, the Executive Secretary was directed to request the Chairman of the Sign Review Board to approve the May Arts Month signs, on a thirty day basis, in order that Mr. Marchette would be able to use the two signs to advertise the upcoming Arts Festival.

Article 40 - Wetlands Protection, Art XVII

Executive Secretary Richard E. Thompson recommended that the Moderator be

told that the Selectmen do not now support this article as stated in the warrant. The Board agreed that Chairman Murray would inform the Moderator that the Selectmen will speak as individuals.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk