

IN BOARD OF SELECTMEN  
MONDAY, JULY 28, 1980

Present: Acting Chairman Anne W. Donald 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 Acting Chairman Donald.

Site Plan Application #80-217 - Gibbs Tire Depot, Inc., 465 Boston Post Road

Present: Joseph E. Scammon, Building Inspector. (arrived later)

In accordance with the Board's request of July 14, 1980, requesting both the Town Engineer and the Building Inspector to obtain and approve a revised site plan showing only "as-built" conditions, following which the site plan was to be re-submitted to the Board in conjunction with the application of Gibbs Tire Depot, Inc., by Koller Associates, Inc., the Board acknowledged receipt of a communication dated July 25, 1980, from the Town Engineer recommending approval. Executive Secretary Richard E. Thompson stated that he had received a verbal approval from the Building Inspector, Joseph E. Scammon, and noted that Mr. Scammon would be present later in the evening on another matter. At the request of Selectman Cossart, the Board tabled the matter so that it could be discussed with Mr. Scammon.

Later, following discussion with Mr. Scammon, it was on motion unanimously

VOTED: To request Mr. George Koller, Engineer of Koller Associates, Inc., for Gibbs Tire Depot, Inc., to again re-submit its site plan showing only "as-built" conditions, in conjunction with application #80-217, dated May 30, 1980, for property located at 465 Boston Post Road, as previously requested by the Selectmen on July 14, 1980; in addition, the Board directed the Executive Secretary to request the Building Inspector to verify the "as-built" conditions before said site plan is re-submitted to the Board for signatures.

Revolutionary War Cemetery Plaque

It was on motion by Selectman Cossart unanimously

VOTED: To accept a gift, on behalf of the Town, in the amount of \$100 from John C. Powers to be used to offset expenses in installing the Revolutionary War Cemetery Plaque.

The Board directed the Executive Secretary to send a letter of appreciation to Mr. Powers.

Later in the evening, Selectman Cossart stressed the importance of adjusting the plaque as soon as possible, making it at least temporarily safe from defacing, if it is not possible to adjust the plaque to a permanent vertical position immediately.

Middlesex County Advisory Board Dues

It was on motion by Selectman Cossart unanimously

VOTED: To approve the expenditure of \$84.38 from Account 501-81, Selectmen's Surveys and Studies, for annual dues to the Middlesex County Advisory Board.

Weekday Entertainment License - Something Simple, 385 Boston Post Road

Following a brief discussion it was on motion by Selectman Cossart unanimously

VOTED: To grant a Weekday Entertainment License for background music to Tracey Lee Harrington and Deborah Ann Getrost, partners, d/b/a Something Simple, 385 Boston Post Road, Monday through Saturday, 10:00 a.m. to 9:00 p.m., in accordance with their application of July 18, 1980;

and it was further

VOTED: To amend the Board's vote of June 30, 1980, approving the common victualler license, allowing Something Simple to remain open Monday through Saturday from 10:00 a.m. to 9:00 p.m., as verbally requested by the applicants on July 28 in order to accommodate extended hours during holiday seasons.

Appointments - Reserve Police Officers

Following discussion, and in accordance with a communication dated July 28, 1980, from Police Chief Nicholas Lombardi, it was on motion unanimously

VOTED: To appoint the following permanent reserve police officers from the Division of Personnel Administration Certification List dated July 7, 1980, Requisition/Reference No.80-2328:

John F. Harris, 1 Nobscot Road, Sudbury;  
Thomas S. Miller, 20 Mohawk Path, Bellingham;  
Francis W. Flynn, 41 Rangely Street, Dorchester;  
Peter J. Juare, 30 Gleason Street, Marlboro;  
Michael R. Shaughnessy, 94 Prescott Street, Clinton;  
Robert I. Chaffee, 17 Woodland Drive, Framingham;  
Walter A. Latta, 5 Oak Street, Maynard; and  
Steven J. Tedeschi, 11 Quirk Court, Newton.

And it was further

VOTED: To authorize the Executive Secretary to sign and file the required appointment forms with the Division of Personnel Administration by August 6, 1980, (the extended time approved by them), on behalf of the Board of Selectmen, the appointing authority for the Town of Sudbury.

Amending Sudbury's Housing Assistance Plan

The Board reviewed and discussed a communication dated July 17, 1980, received from the Department of Housing and Urban Development (HUD) relative to the question of amending Sudbury's Housing Assistance Plan in conjunction with the application of McNeil & Associates, Inc., for Longfellow Glen.

Selectman Cossart stated that he had been in contact with HUD offices regarding the McNeil & Associates, Inc., application and learned that:

- 1) It appears the Housing unit, composition/allocations have been greatly altered since the last HUD application notification of January 21, 1980;
- 2) It appears the project will be 100% subsidized units.
- 3) HUD has funds available for 200 subsidized units and has stated their intention to spread the money out by funding smaller projects and not one large single project;

- 4) McNeil & Associates, Inc., is one of nine applications in competition for HUD funding; and
- 5) It appears McNeil & Associates' application, now pending before HUD, has no provision for the elderly.

Selectman Cossart expressed concern that the public was unaware of the foregoing during the recent deliberations and hearings on the Longfellow Glen proposal.

Following a lengthy discussion, it was on motion by Selectman Cossart unanimously

VOTED: Not to take any action at this time to amend and/or modify Sudbury's existing Housing Assistance Plan in order to accommodate the application by McNeil & Associates, Inc., for the Longfellow Glen project; and further to request Town Counsel to compare the application by McNeil, which was submitted to HUD, with the application to the Board of Appeals and the original intent of the multi-housing project to clear up discrepancies in the number and type of units proposed, and so inform the Board of Appeals and the Sudbury Housing Authority, as well as to forward them a copy of the above-mentioned communication from HUD.

The Board further directed the Executive Secretary to obtain from HUD a copy of the latest "Application - Project Mortgage Insurance" (FHA Form No. 2013 Rev. 7/75) submitted by McNeil & Associates.

Union Carbide - 141 Boston Post Road

Present: Arthur C. Morgello, Plant Manager of Union Carbide Corp.; Joseph E. Scammon, Building Inspector; and Judith A. Cope, Conservation Commission Chairman.

Storage of Inflammables

In accordance with Chapter 148 of the General Laws of Massachusetts, Acting Chairman Donald convened a public hearing on the application dated May 23, 1980, of Union Carbide Corp. - Linde Division, for a license to store inflammables (an additional 1500 gallons of Acetone) at property located at 141 Boston Post Road. (1500 gallons of Acetone presently licensed under Document #55107.)

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

- from the Fire Chief, dated July 15, 1980, and from the Town of Wayland, dated July 17, 1980, both expressing no objection to the aboveground storage.

Site Plan Application #80-218

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan application #80-218 of Union Carbide Corp. - Linde Division, 141 Boston Post Road, for the purpose of updating the plan and showing new storage of inflammables.

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

- from the Building Inspector/Zoning Enforcement Agent, dated June 26, 1980, and the Health Director, dated July 23, 1980, both recommending approval;
- from the Conservation Commission, dated July 16, 1980, expressing no concern but commenting that a detailed drawing showing the proposed plan and changes should be submitted;
- from the Planning Board, dated July 11, 1980, recommending approval; and
- from the Sign Review Board, dated July 14, 1980, expressing no recommendation at this time.

Mr. Thompson stated the Board had visited Union Carbide corp. earlier this afternoon and was informed of the changes in the storage on inflammables at that site.

Mr. Scammon had a copy of the plan, which he reviewed with the Selectmen, and it was noted that the plan would be amended showing the deletion of a 5,000 gallon fuel oil tank, which will no longer be needed in the immediate future, following the installation of a natural gas heating system. In addition, it was noted that the 550 gallons of Ethylene Oxide (licensed under Document #76023) should be deleted from the existing license, as this storage has been removed. The Town Clerk's office will be so informed of the change in this license.

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

VOTED: To approve the application of Union Carbide Corp. - Linde Division for a license to store aboveground an additional 1,500 gallons of Acetone on property located at 141 Boston Post Road, subject to approval by the Fire Chief on the installation of the tank; said license is for storage in addition to existing storage of 1,500 gallons Acetone, 500 lcc Cyl. Acetylene, 1153 gallons Hydrogen Gas, 4,000 gallons Gasoline, 5,000 gallons Fuel Oil and 5,000 gallons Diesel Oil.

And it was further

VOTED: To approve Site Plan application #80-218 of Union Carbide Corp. - Linde Division, located at 141 Boston Post Road, for the purpose of updating the plan and showing new storage of inflammables, as shown on a plan entitled "Site Plan of Land in Sudbury, Mass., prepared for: Linde Air Products Co.", dated June 4, 1980.

The applicant further agreed to verify through the Fire Chief the removal of the 5,000 gallon fuel oil tank mentioned above; and further agreed to install a lock on the drain valve on the new aboveground tank.

Site Plan #80-219 of J. R. Sousa, 475-477 Boston Post Road

Present: Joseph E. Scammon Building Inspector; and Judith A. Cope, Conservation Commission Chairman.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan application #80-219 of Sousa Oil Company, 475-477 Boston Post Road, for the purpose of updating the plan to show "as-built" conditions, and to incorporate increased storage of inflammables approved at the Board's meeting of May 27, 1980.

Executive Secretary Richard E. Thompson stated that all appropriate Town Officials and abutters had been notified.

The Board was in receipt of the following communications:

- from the Building Inspector and the Planning Board, dated July 1 and July 24, respectively, both recommending approval;

- from the Conservation Commission, dated July 16, 1980, stating that additional information regarding the changes on the site plan would be required before approval and that a member of the Commission would be present;

- from the Sign Review Board, dated July 14, 1980, stating no recommendation at this time;

- from the Board of Health, dated July 21, 1980, expressing concern about the protection of petroleum storage facilities in the Aquifer Protection Area delineated in Dr. Motts' 1977 study (reference Plate #9), and suggesting as further protection from the existing tanks in Town, that a monitoring well system should be adopted at all storage sites.

Selectman Donald questioned the feasibility of the Board of Health's recommendation regarding the use of monitoring wells on all storage sites. Mr. Thompson confirmed with Selectman Cossart that in the past there have been appropriations in both the Water District's and Board of Health's budgets to accomplish this on a limited basis. Plans include four sites to be monitored by the Water District in conjunction with the State's recommendations on site locations. Selectman Cossart agreed.

Following further discussion it was on motion unanimously

VOTED: To request Sousa Oil Company to re-submit the site plan showing only "as-built" conditions, under application #80-219, dated June 23, 1980, for property located at 475 Boston Post Road; in addition, the Board directed the Executive Secretary to request the Building Inspector to verify "as-built" conditions before said site plan is re-submitted to the Board.

And it was further

VOTED: To request Sousa Oil Company to install storage tanks with an interior coat of fibreglassing in conjunction with their application of May 6, 1980, for a license to store underground 20,000 gallons of gasohol in two, 10,000 gallon tanks, on property located at 475-477 Boston Post Road, which was approved by the Board on May 27, 1980.

Utility Petition 80-11, Dutton Road

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered UP#80-11 of the Boston Edison Company, for the purpose of altering the location of one (1) pole (Pole #71/83) in

Dutton Road, southeasterly side, approximately 1860 feet southwest of Tanbark Street, One (1) pole.  
(One existing J.O.Pole to be removed).

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

- from the Building Inspector and the Wiring Inspector, dated July 25, and July 24, 1980, respectively, both recommending approval.

It was on motion by Selectman Cossart unanimously

VOTED: To approve Utility Petition #80-11, Dutton Road, as described above, and as shown on a plan entitled, "Plan of Dutton Road, Sudbury, showing proposed pole relocation", dated April 16, 1980.

Site Plan 80-220 of Lincoln-Sudbury Regional High School District Committee (LSRSDC), 390 Lincoln Road

Present: LSRHS Superintendent David L. Levington; Richard Santella, Supervisor of Buildings and Grounds at LSRHS; Richard F. Brooks and Alan H. Grathwohl, LSRSDC; Joseph E. Scammon, Building Inspector; and Judith A. Cope, Conservation Commission Chairman.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan application #80-220 of the LSRSDC, 390 Lincoln Road, for the purpose of leasing/renting excess space - up to 19,000 square feet - at the High School for other than public educational purposes.

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

- from the Building Inspector, dated July 1, 1980, recommending approval;

- from the Conservation Commission, dated July 16, 1980, expressing no concern;

- from the Planning Board, dated July 25, 1980, expressing some concern regarding parking and access to the parking, if the "100-wing" is rented/leased;

- from the Board of Health, dated July 24, 1980, recommending conditional approval. Mr. Thompson read this communication which indicated that: 1) toilet rooms should be designated for the private corporation that will lease floor space at the school; and 2) adequate outdoor yard area should be also provided; and

- from the Sign Review Board, dated July 14, 1980, with no recommendation at this time.

Mr. Thompson pointed out that Mr. Sullivan indicated outdoor yard area should be provided if the space leased is for a pre-school.

Superintendent Levington pointed out that it was the consideration of the LSRSDC to sub-lease an area at the Fairbank School to a pre-school, if the LSRSDC rented the Fairbank School in the Fall, but that it was never the intention of the LSRSDC to rent High School space for this purpose. Mr. Brooks added that the LSRSDC would be agreeable to this stipulation if applicable.

Mr. Scammon showed the Board a copy of the plan. Mr. Levington pointed out on the plan the three areas which are being considered for lease or rent and accompanying parking areas. Following discussion, the plan was marked to show rental options as follows:

- Option A: Audio-Visual Area/South parking lot, toward Lincoln Road.
- Option B: 100 Wing/East parking lot (student parking).
- Option C: East Hall Wing/East parking lot (student parking).

Mr. Levington indicated that any further discussion on the three options should be held until they know who the tenant will be. Mr. Levington later stated that they hoped to have a tenant within 30-45 days following Board of Appeals approval.

Mr. Brooks pointed out that the use of the space would not be outwardly apparent as the space will be leased for general office space and/or training facilities - there will be no manufacturing or other industrial use. The use, therefore, will not conflict with area property uses.

Mr. Grathwohl assured the Board that a tenant will be very carefully selected by the LSRSDC, keeping in mind, above all, the obligation to educate the children at the High School.

On the recommendation of Selectman Cossart, the Board agreed to request the LSRSDC to return to the Selectmen, as well as the Board of Appeals (and any other appropriate boards as spelled out on page 2 of the June 9, 1980, communication and made part of this site plan application), if it should decide to consider a tenant whose use was acceptable to the Committee, but exceeded the designated limits, specified in the June 9, 1980 communication from the LSRSDC. Following further discussion of said communication, it was further suggested by Selectman Cossart that renovations/alterations, no matter how small, should be at the expense of the tenant - not the Town/LSRSDC. There was some discussion regarding what services should and should not be provided for the tenant, and agreement that details of the lease should be worked out after a tenant is secured. Mr. Levington expressed regret that it is necessary to use excess space for other than educational purposes, but feels the excess space must be leased/rented to relieve the tax burden of the Town.

Following further discussion it was on motion by Selectman Cossart unanimously

VOTED: To approve Site Plan application #80-220 of the Lincoln-Sudbury Regional

High School District, for property located at 390 Lincoln Road, conditioned upon restrictions set forth in the attachment, submitted under cover letter of June 9, 1980, from the LSRSDC, as amended by the Selectmen this evening, and further subject to updating of parking delineations on the plan before signing.

Acting Chairman Donald recessed the meeting at 8:55 p.m.; the meeting was called back to order at 9:00 p.m.

Appointments: Republican and Democratic Election Officers

It was on motion by Selectman Cossart unanimously

VOTED: To appoint Republican and Democratic Election Officers for the year commencing August 15, 1980, in accordance with recommendations from the Republican Town Committee dated May 26, 1980, and July 3, 1980, the Democratic Town Committee on July 21, 1980, and the Town Clerk dated July 22, 1980.

Conservation Commission and Personnel Board Appointments

Following a review of candidates for the Personnel Board, as well as a list of candidates for the Conservation Commission, from the Talent Search printout, and applications for appointment to the Conservation Commission, the Board requested that the Executive Secretary schedule interviews with those candidates which the Selectmen selected.

Aetna Casualty and Surety Bond #61S33110-11-79

Following a brief explanation by Town Counsel, it was on motion by Selectman Cossart unanimously

VOTED: To cancel and release Aetna Casualty and Surety Company bond #61S33110-11-79, a condemnation bond of the Tennessee Gas Pipeline Company in the amount of \$19,500, as requested by J. T. Bagge, Division Right of Way Supervisor, Tennessee Gas Pipeline Company, in a communication dated July 8, 1980, and recommended by Town Counsel in a communication dated July 18, 1980.

Chapter 217 of the Acts of 1980

The Board was in receipt of a communication dated July 22, 1980, from Assistant Town Counsel Thomas M. French relative to the General Laws Public Bidding Statute, section 4B of Chapter 40. Effective August 27, 1980, under Chapter 217 of the Acts of 1980, a new section 4G will be added to Chapter 40, and following the Town's acceptance of the same, the contract amount requiring public bidding would increase to \$4,000 (it is currently \$2,000). Executive Secretary Richard E. Thompson recommended that the material on this subject be held with other pending possible Town Meeting articles.

Selectman Cossart pointed out that too often what appears to be justification for an article for Annual Town Meeting, is not, and too many of these articles are withdrawn or indefinitely postponed. On his recommendation, the Executive Secretary was directed to further research the subject for justification of the same, prior to any further consideration of it by the Board as a future Town Meeting article.



Energy Resources Commission in Sudbury

Following a brief review and discussion of a communication dated July 7, 1980, from State Representatives Richard T. Moore and Angelo Cataldo advising the Town of newly enacted Chapter 384 of the Acts of 1980, which authorizes the establishment of an Energy Resources Commission by cities and towns, the Board directed the Executive Secretary to forward the same for input from the Permanent Building Committee.

Procedures for Site Plans and Building Permits

The Board acknowledged receipt of a communication dated July 11, 1980, from Town Counsel in response to inquiries dated May 2, 1980, from Judith A. Cope, Chairman of the Conservation Commission, dealing with procedures for site plans and building permits.

Following discussion, the Board directed the Executive Secretary to refer Town Counsel's letter to both Mrs. Cope and the Building Inspector for comment prior to any further action on the part of the Selectmen.

Intervention in Boston Edison Rate-Setting Case

On the recommendation of the Executive Secretary, due to the absence of Chairman Murray, the Board tabled consideration of the question of financially supporting intervention of cities and towns in the Boston Edison Rate-Setting Case before the Department of Public Utilities.

Guidelines and Procedures for Town Physical Examinations

The Board reviewed past action relative to guidelines and procedures for Town employees physical examinations by reviewing a communication dated November 16, 1978, which had been sent to the Town Physicans at the time.

Minutes

It was on motion unanimously

VOTED: To approve the following minutes as drafted, subject to further review and comment by both Selectman Murray and Cossart by July 29, 1980; page 11 of the minutes of June 23, 1980; regular and executive sessions of July 14, 1980; and special meetings of July 15 and 21, 1980.

Current Items of Interest

Haynes Property - 276 Old Sudbury Road

Executive Secretary Richard E. Thompson informed the Board that the project involving the Haynes Property at 276 Old Sudbury Road has been reviewed by the Town Engineer, and that it is anticipated to be completed by the second week in September, in accordance with Article 24 of the 1980 Annual Town Meeting.

Underground Tanks at Sharkey Property

At the request of Selectman Cossart, the Executive Secretary was directed to follow up on a communication sent to Mr. George Sharkey, relative to his abandoned underground storage tanks, since there has been no response from Mr. Sharkey to date.

Surrey Lane/Moore Road Intersection

The Executive Secretary reported that he had followed up on the Board's request relative to the Thomans' request for a stop sign on Surrey Lane at its intersection with Moore Road by speaking to Officer Carroll concerning his delay in responding to the petitioners, and by sending a letter to the Thomans from the Board enclosing a copy of Officer Carroll's report dated June 27, 1980.

Sanitary Landfill

The Executive Secretary reported that Highway Surveyor Robert A. Noyes had advertised the new hours at the Landfill from 9:00 a.m. to 4:00 p.m. Tuesday through Saturday, effective July 28, and asked for a consensus from the Board at Mr. Noyes's request, to allow a local commercial hauler in early on Tuesday morning, due to the Monday closing. The Selectmen agreed that the Highway Surveyor should have some latitude in running the operation of the Landfill and could use his discretion in such an instance.

Curb Alteration at Sudbury Police Station

On the recommendation of the Executive Secretary, the Board concurred to have Chairman Murray sign the application for permission to make alterations to the driveway and parking lot at the Sudbury police station, as shown on a plan entitled "Alterations & Additions, Police Station, Sudbury, Massachusetts - Existing and New Site Plans", dated July 22, 1980, for submission to the Department of Public Works by the Executive Secretary on its behalf.

Performance Reviews: Executive Secretary, Town Engineer and Police Chief

The Board tabled discussion of Performance Reviews - Executive Secretary, Town Engineer and Police Chief - because a full Board was not present.

Executive Session

At 10:00 p.m. it was on motion by roll call unanimously

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

(Acting Chairman Donald, in favor; Selectman Cossart, in favor.)

Acting Chairman Donald announced that open session would not reconvene following the Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 11:00 p.m.

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

Richard E. Thompson  
Executive Secretary-Clerk