

IN BOARD OF SELECTMEN  
MONDAY, MAY 19, 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 7:00 p.m. by Chairman John E. Murray.

Fence Viewing - Mainville/Catalanotti

Present: Mr. & Mrs. Charles R. Mainville.

With regard to a communication dated May 1, from Charles R. Mainville of 2 Woodberry Road, and a related communication from the Town Engineer dated May 8, 1980, the Board of Selectmen met earlier tonight and viewed the fence in question between Lots 2 and 3, Woodberry Road owned by Charles R. Mainville and Enrico R. Catalanotti, respectively.

On the recommendation of Chairman Murray, it was on motion by Selectman Donald unanimously

VOTED: To forward to Enrico R. Catalanotti a copy of a plan, submitted by the Town Engineer, confirming the placement of his fence to be approximately six inches onto the Mainville property, and to notify him that that portion of the fence be removed or placed on his property within thirty days of receipt of said notification.

Outdoor Dining at Ephraim's of Sudbury

Present: Donald Wagoner, President, Ephraim's.

Chairman Murray referenced a communication dated May 9, from Donald Wagoner requesting permission to Ephraim's of Sudbury to provide outdoor dining on the balconies of buildings 7 and 8, June through September.

Mr. Wagoner explained that it is his intention to have six umbrella tables for 2-4 people each on the balconies of building 8, and seven tables with no umbrellas for 2-4 people each on the balcony of building 7 which has an overhang. Mr. Wagoner stated it is not his intention to have any food cooked out on the balconies - the food will be carried out.

Mr. Wagoner informed the Board that he had contacted the Historic Districts Commission, by letter of May 1, 1980, and other Town Departments, and that he was under the impression that there were no objections.

During a discussion about the additional seating on the balcony, Executive Secretary Richard E. Thompson pointed out that Ephraim's is restricted by the Board of Health to a specific number of seats and the addition of tables and chairs on the balconies cannot exceed this restricted amount. Mr. Wagoner said that with the additional dining arrangements on the balconies, the seating capacity will be closer to the number allowed. He said that Ephraim's presently does not have the number of seats they are entitled to have under their present license.

Mr. Wagoner commented that he would stay within the same color tones - the umbrellas will be cream colored with butcher block table tops.

Responding to Selectman Cossart, Mr. Wagoner stated that since they are not interested in getting into late night dining he did not think noise from the outdoor dining areas would be a problem.

Responding to Selectman Donald, Mr. Wagoner stated that, from the standpoint of lighting and mosquitos, it may turn out to be a daytime situation. He said he may find it necessary to restrict the hours at some later time. Selectman Donald later stated that Mr. Wagoner should consult with the Fire Chief regarding the use of any candles on the balconies.

Following further discussion it was on motion by Selectman Cossart unanimously

VOTED: To grant permission to Ephraim's of Sudbury to provide outdoor dining on the balconies of buildings 7 and 8, from June through September only ( the furniture is to be removed from the balconies during the winter months), subject to the concurrence of the Building Inspector, the Fire Chief and the Board of Health relative to the seating capacity and public safety.

Special Permit to Park Trailers on East Field at Wayside Inn

Based on communications dated April 2 and May 7, 1980, from Francis Koppeis, Innkeeper of Wayside Inn, and the Board of Health, respectively, it was on motion by Selectman Cossart unanimously

VOTED: To grant a Special Permit to Francis J. Koppeis, Manager, Wayside Inn Corporation, for the parking of 15-20 trailers in the East Field of the Wayside Inn on October 17, 18 and 19, 1980, 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., requested by Mr. Shabeck in a communication dated November 8, 1979, subject to Board of Health approval of the facilities on-site and issuance of a building permit by the Building Inspector for a 20' x 30' tent, and notification to the Police and Fire Departments.

Presentation by League of Women Voters, Task Force on Vandalism

On the recommendation of the Executive Secretary the Board agreed to have the League of Women Voters of Sudbury, Task Force on Vandalism, make a presentation as to how they want to proceed in the future, at the May 27 Town Fathers Forum, as requested by Eleanor Dickman, Coordinator, in her communication of May 8, 1980.

During a brief discussion of the forum on the subject of vandalism held by the league recently, League member Linda Wallace pointed out the the League had approached the subject by going out of town to see what other communities are doing and if what they were doing could be applied here in Town. Since the last forum, the League is more aware of how our Town has been working and/or approaching the problem of vandalism, and would like to become more involved by possibly holding another forum of its own or speak at the next Town Fathers Forum.

Selectman Cossart referenced the League's last forum on vandalism on May 1, 1980, and expressed concern with its success from the standpoint of using so-called outside speakers and understanding its objective(s).

Chairman Murray added that there could be more community involvement through the neighborhood crime watch program and expressed some interest in informing the League's Task Force about the program or discussing it further with them.

### Special Town Meeting

#### Ordering Warrant

The Board acknowledged receipt of a petition article for the completion of the Mossman Road walkway and referred it back to the petitioners for the remaining signatures since they had been misinformed about the required number. Also, the Board reviewed a list of articles received for the June 24, 1980, Special Town Meeting and ordered the Warrant as follows:

- Article # 1 - Oil Leak Cleanup
- 2 - Unpaid Bills
- 3 - Reserve Fund Budget (1979-80)
- 4 - Budget Adjustment (Treasurer)  
Acct. 200-203 Debt Service  
Acct. 507-71 Bond and Note Issue Exp.
- 5 - Budget Adjustment, Reserve Fund (1980-81)
- 6 - Energy Audit
- 7 - Fairbank School Roof
- 8 - Horse Pond School Roof
- 9 - Biennial Update of Property Values
- 10 - Accept Ch. 90, s.20C, Parking Fines
- 11 - Petition Article, Mossman Road Walkway
- 12 - Appropriations Limit
- 13 - Levy Limit

#### Taking Positions on Articles

Later in the evening the Board took the following positions on the articles ordered for the 1980 Special Town Meeting Warrant:

- To support articles 1, 2, 3, 5, 6, 10, 12 and 13;
- To hold on articles 4 and 9 for further discussion; and
- To report at Special Town Meeting on articles 7, 8 and 11.

Following further discussion the Board agreed to act on reports to accompany Selectmen's articles at its meeting of May 27.

NOTE: Following the Selectmen's meeting of May 19, by telephone vote on May 20, the Board voted to revise the ordering of the Warrant by placing the Treasurer's article, formerly numbered Article 4, further in the Warrant to follow the Horse Pond School Roof article, therefore becoming Article 8.

Site Plan Application #80-214 - Sperry Research Center, 100 North Road

Present: Joseph E. Scammon, Building Inspector; Herman W. Josephson, Sperry Research Center.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan application #80-214 of Sperry Research Center, for the placement of two temporary trailers on property at 100 North Road, Sudbury.

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

- from the Building Inspector dated April 23, 1980, recommending approval;
- from the Conservation Commission dated May 1, 1980, expressing no concern;
- from the Planning Board dated May 9, 1980, recommending approval;
- from the Sign Review Board dated May 2, 1980, expressing no recommendation at this time; and
- from the Board of Health dated May 16, 1980, recommending approval.

The Board briefly reviewed a plan entitled "Sperry Rand Research Center, Sudbury, Mass.", dated July 27, 1960.

Responding to Selectman Cossart, Mr. Herman W. Josephson of Sperry Research stated that they plan to use the trailers for office space for their own personnel for a period of approximately 18 months. He said that there will be about 8 people in each trailer.

Following a brief discussion, it was on motion by Chairman Murray unanimously

VOTED: To approve Site Plan Application #80-214 of Sperry Research Center, 100 North Road, for the placement of two temporary trailers, as shown on a plan of land entitled "Sperry Rand Research Center, Sudbury, Mass.", dated July 27, 1960, for a period of one year, at which time Sperry Research can apply for an extension period, if necessary.

Responding to Chairman Murray, regarding the construction status of the new addition to the property, Mr. Josephson stated that they are in the schematic plan phase now, and that they hope to complete construction in approximately 18 months for the 47,000 square foot addition.

Boston Edison Rate-Setting Case

The Board tabled until after July 1, 1980, final consideration of monetary support relative to a communication dated May 13, 1980, from the Massachusetts Municipal Association dealing with the Boston Edison Rate-Setting Case but expressed support of the same.

Minutes

It was on motion by Selectman Donald unanimously

VOTED: To approve the minutes of the Emergency Meeting of May 8, 1980, and the Regular and Executive Sessions of May 12, 1980, all as drafted.

Current Items of Interest

Longfellow Glen

It was agreed that a 5-10 minute presentation could be made at the May 27 Selectmen's meeting by petitioners in opposition to the Longfellow Glen multi-family housing project on Boston Post Road, as requested by Janet Smith in her communication of May 19, 1980. Also, said communication invited the Board to attend a meeting to be held on May 21 at 8:00 p.m. in the Goodnow Library on the subject.

Complaint on Board of Appeals' Decision

The Board noted receipt of a communication from Robert E. and Jean Norling dated May 18, 1980, and directed the Executive Secretary to consult with the Building Inspector and the Board of Health and Town Counsel, if necessary, on the same and report back to the Board next week, May 27.

Chairman Murray recessed the meeting at 7:55 p.m. for a coffee break; the meeting was called back to order at 8:00 p.m.

Retail Package Goods Store License, Sale of Wines and Malt Beverages - Meat King, Inc., 730 Boston Post Road

Present: Carol Sokoloff; Shepard Goldstein, Eugene Saklad, Miles A. Nogelo, abutters; Nelson E. Robideau and Herman Schneider, applicants for Meat King, Inc.

Chairman Murray convened a public hearing on the application of Meat King, Inc., Nelson E. Robideau, Manager, for a Retail Package Goods Store License for the sale of Wines and Malt Beverages at 730 Boston Post Road.

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

- from the Board of Health dated May 16, recommending approval;
- from the Building Inspector dated May 9, recommending approval;
- from Police Chief Lombardi dated May 2, recommending approval;
- from Fire Chief Josiah F. Frost dated May 2, recommending approval;
- a plan sketch submitted with the application;
- reports from the State Office of Probation showing all checks to be negative;

- articles of the organization of the corporation and certificates of identification and proof of citizenship.

Mr. Thompson stated that at the present time only one of the five beer and wine package store licenses, available in Town under G. L. Chapter 138,s.12,has been issued to date.

Mr. Miles Nogelo of 19 Washington Drive said that he had a list of approximately twenty-three neighbors who were opposed to this license being issued - their main concern questions the necessity of another package store in Town. In addition, they objected to anticipated additional traffic, noise, litter and access of alcoholic beverages to young people.

Assistant Town Counsel responded to the criteria of the issuance of a beer and wine package store license stating it is initially to fulfill public convenience and necessity.

Mr. Nelson E. Robideau, Manager of Meat King and applicant, stated that their first consideration in requesting a beer and wine package store license is economic necessity. As far as the traffic issue is concerned, Mr. Robideau said he feels he can sell more to the same number of people with the addition of beer and wine as a compliment to the meat. Also, regarding surrounding package stores, Mr. Robideau stated that there is only one other on the same side of the street, and this, he said, is a big business factor. Regarding the sale of alcoholic beverages to children, Mr. Robideau stated that was out of the question.

Mrs. Carol Sokoloff of 3 Washington Drive expressed her opinion that, if this license is granted, the indication would be that the Selectmen are supportive of making beer and wine more readily available to young people.

Mr. Shepard Goldstein of 2 Washington Drive expressed his opinion that it would be a real disservice to the community to allow another beer and wine package store license in the close proximity of the 99 Restaurant and the new restaurant (Bullfinch's), which will be going into the Meat King complex.

Mr. Robert Walker of 47 Washington Drive expressed concern regarding the remoteness - the distance of Meat King from the business district and the local police station, stating that it would be an additional burden on the police force to have to patrol this area; also, he felt that a substantial number of children manage to have someone buy liquor for them, and that it would be easier in a less lighted area where there is less surveillance.

In answer to Selectman Donald, Mr. Robideau stated that they do not plan to extend the present hours of the store which is 9:00 a.m. - 9:00 p.m. Tuesday through Friday, and 9:00 a.m. - 6:00 p.m. on Saturday.

Mr. Herman Schneider of Meat King expressed his opinion that there would be no additional burden on the Police Department because they will be patrolling the area due to the restaurant.

Mr. Robideau commented, that the distribution of liquor and the drinking situation in parked cars are existing problems and beyond his responsibility and control.

Selectman Cossart commented about the difficulty in denying the granting of the license since, according to population statistics and state-wide criteria for beer and wine licenses, there are some licenses available in Sudbury. Also, the applicants are in a permitted use district, the zoning would allow such a license, and performance and record of operations are good. Selectman Cossart expressed sympathy to abutters and their concerns and commented that, if a license were granted, it would be subject to a yearly renewal based on performance.

Mr. Nogelo then questioned the 99 Restuarant's renewal, stressing the point that there have been numerous problems at that location.

Chairman Murray pointed out, however, that most of the problems have been outside the building and not within the premises.

Mr. Nogelo reiterated that, at some point, there should be some judgement used in order to control the type of businesses that are going on in Town - decisions should be made which show leadership in the community.

Mrs. Sokoloff questioned issuing the license based on the determination that there is a public need and, if that is the only reason, asked why a Wendy's was denied.

Chairman Murray stated that that was a different issue - that was a questionable permitted use at that location.

Mr. Eugene Saklad of 11 Washington Drive stated that, although it would be a convenience to him, he would rather drive further to a package store than have another one in Town.

Mr. Nogelo stated that, if the license were issued, the neighbors would like to be assured that the hours of operation will not be extended.

Assistant Town Counsel, Thomas M. French, stated that that would have to be a mutual decision between the applicants and the abutters.

Mr. Schneider stated his willingness to have this stipulation on the license.

Selectman Donald commented that the Town could vote to make Sudbury a dry town, but that no such action has been suggested by local voters.

Following further discussion it was on motion by Selectman Cossart unanimously

VOTED: To approve the application of Meat King, Inc., Nelson E. Robideau, Manager, for a retail package goods store license for the sale of wines and malt beverages under General Laws Chapter 138, section 17, paragraph 3, at 730 Boston Post Road, expiring December 31, 1980, to be exercised during the following hours only: Tuesday - Friday from 9:00 a.m. to 9:00 p.m. and Saturday from 9:00 a.m. to 6:00 p.m., subject to approval by the Alcoholic Beverages Control Commission.

NOTE: The above limitation on times of business operation of Meat King, Inc. was specified and agreed to by the applicants, Nelson E. Robideau and Herman Schneider.

Chairman Murray recessed the meeting briefly at 8:30 p.m.; the meeting was called back to order at 8:35 p.m.

Use of Dakin Road Site for Town Dog Pound

Present: Betsy M. DeWallace, Dog Officer.

Executive Secretary Richard E. Thompson brought the Board up-to-date on discussions and negotiations regarding the Town Dog Pound, and called the Board's attention to a re-draft of a proposed agreement between the Town and Mrs. Betsy DeWallace for the use of her property at 56 Dakin Road, and to a Memorandum of Understanding concerning payments for the use of the facility, salaries, expenses and reimbursements to the Dog Officer. Mr. Thompson stated that Mrs. DeWallace would like to reach an agreement with the Selectmen for monetary remuneration in the proposed lease over and above the Memorandum of Understanding. Mr. Thompson noted that the DeWallaces have expressed to him that expenditures to refurbish the pound would add no monetary value to the property if it were sold unless a new lease were issued.

Selectman Cossart pointed out that the Town could pay any increased assessment to the building proposed to be used as the Dog Pound.

Following discussion the Board designated Selectman Cossart to meet with the DeWallaces privately, on behalf of the Board of Selectmen, relative to her desire for inclusion of some monetary provision in the lease.

Current Items of Interest (Continued)

Local Arts Council

Executive Secretary Richard E. Thompson reported, following previous question by the Board, that neither Margaret Langmuir nor Nadine Wallack want to serve on the Local Arts Council.

Sick Leave Bank

Mr. Thompson informed the Board that the sick leave bank material has been completed by Town Counsel's office and is awaiting signing by the non-union Town employees Sick Leave Bank Committee.

Gale Engineering - Energy Roof Studies

Mr. Thompson explained the procedure by which the Permanent Building Committee had selected the Gale Engineering Company, Inc., to do the Energy Roof Studies. Chairman Murray pointed out that a member of the School Committee or a representative had been present during the process.

Letter from Ronald P. Boucher regarding Article 40 of 1980 ATM

The Board acknowledged receipt of a communication dated May 13, 1980, from Ronald P. Boucher regarding Article 40 of the 1980 Annual Town Meeting and the composition of the Conservation Commission, and directed the Executive Secretary to respond for the Board.



Executive Session

At 9:15 p.m. it was on motion by roll call

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

(Chairman Murray, in favor; Selectman Donald, in favor; and Selectman Cossart, in favor.)

Chairman Murray stated 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 10:00 p.m.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk