

IN BOARD OF SELECTMEN
MONDAY, DECEMBER 7, 1981

Present: Chairman Anne W. Donald (arrived at 7:55 p.m.), William J. Cossart and John E. Murray.

The statutory requirements as to notice having been fulfilled, the meeting was called to order by Acting Chairman William J. Cossart at 7:30 p.m.

Boston and Maine Corporation - Horse Pond Road Crossing

On the question of taking action relative to a petition of the Boston and Maine Corporation to the Department of Public Utilities to allow it to retire the present flashing light signals at the Horse Pond Road crossing and instead use a method of protection whereby the train stops and a crew member conducts the movement over the crossing, the Executive Secretary noted receipt of the following communications:

- from the Boston and Maine Corporation (B&M), dated November 2, 1981, enclosing a copy of the petition mentioned above;

- from Assistant Town Counsel Thomas M. French, dated November 24, 1981, suggesting that said petition appears to be a backward step for public safety, and that opinions from the Highway Surveyor and the Police Chief would be in order;

- from the Highway Surveyor Robert A. Noyes, dated December 4, 1981, suggesting that the Town petition the B&M for permission, at no charge to the Town, to remove the ties and tracks at said location and pave over the crossing; and

- from the Chief of Police, dated December 4, 1981, suggesting that, because more easterly portions of the track have already been removed and paved over, it is improbable that any trains will use the Horse Pond Road crossing, and suggesting that the railroad company address and take a position relative to any intention to either abandon this section of track or develop it for future use, before the Town acts favorably on the above-mentioned petition.

Following review of the above communications and a brief discussion, it was on motion by Selectman Murray unanimously

VOTED: To direct the Executive Secretary to prepare a letter to be forwarded, on behalf of the Board, to the State Department of Public Utilities expressing opposition to the above-mentioned petition at this time, due to the uncertainty of the future use of the railroad track at the Horse Pond Road crossing by the Boston and Maine Corporation, for signing at the next Selectmen's meeting.

Penn Central Property - Haynes & Pantry Roads

Following discussion on the question of responding to an inquiry of the Executive Office of Transportation and Construction as to Sudbury's interest in acquiring property being offered by the Penn Central Corporation in the location of Haynes and Pantry Roads (notice dated November 19, 1981 - offer 81-69), the Board directed the Executive Secretary to send a general letter to appropriate boards and commissions asking if there is any interest in the same and asking them to respond within two weeks.

The Executive Secretary was further directed to reschedule the subject for the Board's December 21st meeting.

FY82 Transportation Improvement Program

Following a brief explanation by the Executive Secretary, it was on motion by Selectman Murray unanimously

VOTED: To endorse the Fiscal Year 1982 Transportation Improvement Program for the Boston region as set forth in a draft copy, dated November 1, 1981, received from the Central Transportation Planning Staff under cover letter dated November 23, 1981.

Accept Articles/Refer Zoning Amendments to Planning Board

On the recommendation of the Executive Secretary, it was on motion by Selectman Cossart unanimously

VOTED: To accept the following articles, submitted under the December 1 deadline, for the 1982 Annual Town Meeting:

Classification & Salary Plans	Personnel Board
Personnel Administration Plan	Personnel Board
Street Acceptances	Board of Selectmen
Street Acceptance - Dudley Road	Board of Selectmen
Disposition of Fairbank School	Board of Selectmen
Disposition of Horse Pond School	Board of Selectmen
Disposition of Loring School	Board of Selectmen
Disposition of South Annex	Board of Selectmen
Transfer Tax Possession Parcels 175-182 to the Water District	Board of Selectmen
Grant Easement to Water District	Board of Selectmen
Amend Bylaws, Art. IX,V,A - Special Regulations, Temporary Trailers	Board of Selectmen
Amend Bylaws, Art. IX,I,G - Flood Plains	Board of Selectmen
Amend Bylaws, Art. IX,III & IV	Board of Selectmen
Inflammables Storage Bylaw, Art.V	Board of Selectmen
Cluster Development, Art. IX,IV	Planning Board
Amend Bylaws, Art. IX:	
Off-street Parking, V,B	
Screening of Open Uses, V,K	
Special Regulations, V,N	Planning Board
Amend Bylaws, Art. IX,III,B - Prohibited Uses in Non-residential Zones	Planning Board
Dutton Road Walkway (\$61,000)	Planning Board
Smoke/Heat Detectors in Apts/Motels	Fire Chief

and it was further

VOTED: To refer the above-mentioned zoning articles to the Planning Board, in accordance with G.L., C. 40A, s.5.

Mr. Thompson noted that all the above-listed articles have the majority signatures of the petitioning boards or commissions.

Resolution - Catherine Bronson

It was on motion by Selectman Murray unanimously

VOTED: To sign a resolution in honor of Catherine Bronson, who has retired from the Sudbury School System after twenty-two years of service, and declaring December 17, 1981, as Catherine Bronson Day in the Town of Sudbury.

Donation - Council on Aging

It was on motion by Selectman Murray unanimously

VOTED: To accept, on behalf of the Town, a donation in the amount of \$48.15 in miscellaneous donations, to be used by the Council on Aging for van transportation.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of November 23, 1981, as drafted, and of the Regular Session of November 30, 1981, as amended, both subject to comment from Chairman Donald, who was not present. The corrected segment of the November 30 minutes on the subject of annual license renewals will be submitted to the Selectmen at next week's meeting.

Restrictive Covenants - Bowker V Subdivision

It was on motion by Selectman Murray unanimously

VOTED: To confirm signing and accepting, on behalf of the Town, Restrictive Covenants (permanent conservation and drainage easements) lots 66, 81, 82, 83, and 84, Bowker V Subdivision, as shown on plans drawn by David W. Perley, C.E., dated November 18, 1981.

Current Items of Interest

Fire Academy - Horse Pond School

Selectman Murray reported that, at a meeting with Senator Atkins early this morning, they discussed the future of the Horse Pond School with respect to the Fire Academy, and new legislation (which Senator Atkins stated he supported) which would help the Fire Academy remain at the Horse Pond School and purchase the building. Selectman Murray stated he would know more on Wednesday regarding the State's position on this new legislation, and that he would try to get additional input from the Town Facilities Committee, which recently completed its report that contains recommendations on the subject.

Fuel Assistance Program

Mrs. Barbara Bortle was present and, responding to Selectman Murray, stated that she would handle any inquiries and/or applications regarding the Fuel Assistance Program, and that she could be reached at the Senior Citizens Drop-In Center.

Meeting with Wayland Board of Selectmen (Neelon Property)

At the request of Mr. Thompson, the Board agreed to meet with the Wayland Board of Selectmen on Wednesday, December 30, to discuss the Neelon property. Mr. Thompson stated that he would confirm this date with the Wayland Board and schedule a time and place (presumably the Loring Parsonage).

After the arrival of Chairman Donald (7:55 p.m.), the Board took a brief recess before resuming the agenda items scheduled.

Later in the evening, the following current items of interest were discussed:

Estimated County Tax Bill

At the suggestion of Chairman Donald, and following discussion, Mr. Thompson stated that he would request the Town Treasurer to inform the Board if he makes any decision to pay the estimated County Tax Bill.

Christmas Tree in Town Center

At the direction of Selectman Murray, Mr. Thompson stated that he would take care of having a Christmas tree put up on the common.

Sudbury River Diversion Meeting

Chairman Donald briefly updated the Board on a meeting she had attended with members of the Conservation Commission on December 1, in Concord, sponsored by the MDC, relative to the environmental impact study for the proposed MDC Sudbury River Diversion project.

F. M. Vana Site Plan #80-227 Extension

On the recommendation of the Executive Secretary, it was on motion by Selectman Cossart unanimously

VOTED: To extend Site Plan #80-227 of Frank M. Vana, Trustee of Filomena Vana Trust, for lots 4 and 5, 435 Boston Post Road, zoned Limited Business District #6 and Residential A, for a shopping center, to January 19, 1983.

Parking Clerk, Temporary

On the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To appoint Assistant Town Counsel Thomas M. French as Temporary Parking Clerk for the Town of Sudbury.

Finance Committee Agenda

Mr. Thompson handed out a copy of the Finance Committee's agenda for their meeting on Thursday, December 10, 1981, and stated the FinCom will be addressing the Selectmen's non-monied articles at their meeting of December 17th.

Budget Packages

Mr. Thompson gave the Board a budget package in preparation for the Selectmen's budget meeting to be held Saturday, December 12. There was a brief discussion regarding what the Selectmen hope to accomplish at Saturday's meeting.

Site Plan #81-238, Vesta, Inc., 57 Codjer Lane

Present: Building Inspector Joseph E. Scammon; Conservation Commission Chairman Joan C. Irish; Stephen L. D'Angelo, Vesta, Inc., applicant; William A. Senecal, property owner; Atty. Sheldon H. Pitchel, for Codjer Lane abutters; and approximately 10 Codjer Lane abutters.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan Application #81-238 of Stephen L. D'Angelo of Vesta, Inc., for property located at 57 Codjer Lane, owned by William A. Senecal, for a retail business - sale of wood and coal, and the processing of wood.

Executive Secretary Richard E. Thompson stated that all appropriate Town officials and abutters had been notified, but that there was an oversight in that the date of the Selectmen's hearing had not been included on the official notice. The applicant and the abutters agreed to have the meeting go on as planned, with the understanding that it would be continued so that counsel for the applicant could be present.

Mr. Thompson noted receipt of the following communications:

- from the Conservation Commission, dated December 4, 1981, expressing concern regarding surface runoff flowing across both the proposed coal and wood storage and processing areas which will carry coal and sawdust into Wash Brook (actually Hop Brook at that location), and concurring with the Town Engineer's recommendations to prevent the same;

- from the Sign Review Board, dated September 17, 1981, indicating approval of Vesta's sign application, subject to a building permit;

- from the Building Inspector, dated December 4, 1981, recommending approval subject to any special permits required by the Board of Appeals;

- from the Planning Board, dated December 1, 1981, recommending conditional approval;

- from the Town Engineer, dated November 16, 1981, recommending conditional approval;

- from the Board of Health, dated November 20, 1981, recommending approval; and

- from Atty. Joseph L. McQuade, dated November 19, 1981, enclosing a copy of the purchase and sale agreement between Mr. D'Angelo and Mr. Senecal.

The Building Inspector was present and showed site plan entitled, "Site Plan for Vesta, Inc., Lot 5 At Codjer Lane & Union Ave., owned by William A. Senecal", dated June 5, 1976, revised October 6, 1981.

Mr. William A. Senecal, owner of the property, stated that the only change in the site plan is the new storage areas for coal and wood, which have been outlined on the plan.

Responding to Conservation Commission Chairman Joan C. Irish, Mr. Stephen L. D'Angelo stated that there would be a maximum storage of 25-30 tons of coal on the premises, and that, when she had visited the site last week, there were approximately 15-20 tons of coal on the property.

Responding to Chairman Donald, Mr. D'Angelo stated that the coal was presently being stored on bare ground but that it was covered.

Mr. Senecal expressed his opinion that, because the storage areas for the wood and coal are quite a distance from the wetlands, he did not feel that surface water run-off would be a problem since most of the surface water dissipates into the ground.

The Board gave Mr. Senecal copies of all the communications received from the various Town Boards and Commissions, since he had only received the report from the Planning Board. Selectman Murray noted the importance of these communications and advised Mr. Senecal to review and consider them carefully.

Selectman Cossart questioned the significance of sawdust getting into the Brook, a concern expressed by several boards/commissions, and directed the Executive Secretary to pursue further clarification on the same with the Town Engineer.

Mr. D'Angelo expressed his opinion that there would not be a problem in terms of coal or coal residue getting into the ground water, since coal floats and since it is washed before it is received and stored on site. Mr. Senecal added that, if anything, the coal would act as a filter.

There was a lengthy discussion, during which varying opinions were expressed regarding the permitted use of this property, which is located in Industrial District #2, abutting a Residential Zone.

Selectman Cossart expressed his opinion that two issues need further clarification - 1) whether the use intended under this site plan application is a permitted use in Industrial District #2; and 2) clarification of the issue raised by the Conservation Commission (Planning Board and the Town Engineer) relative to the further encroachment of the wetlands on this property, specifically as this relates to wood chips/sawdust.

During a presentation, on behalf of the abutters who are opposed to the site plan application, Atty. Pitchel expressed the opinion that:

- outside storage (unless within the specified ratio to the building size) and retail sales (specifically, coal) are not permitted uses, (quoting the Town bylaw pertaining to permitted uses in Industrial District #2);

- the surface run-off, containing wood chips and coal residue would encroach on the wetlands and Brook; and

- the hard coal, to be stored on the property, would chip and leave a residue on the ground; this residue could also be wind-blown throughout the neighborhood.

Atty. Pitchel commented that Mr. Senecal had changed the type of business operations on the site in the past without proper site plan approval and stressed that the Board take that into consideration when addressing still another change for the use of this site.

Responding to Chairman Donald, Atty. Pitchel stated that the closest house to the site is thirty feet.

Mr. Senecal expressed opposition to some of Atty. Pitchel's comments, stating:

- that there are a number of residences in the neighborhood, which receive truck loads of wood which is processed on the property for home use in wood stoves; and

- that the Town Engineer should be the one to analyze whether or not coal stored on the property would be harmful in any way.

Mr. Robert E. Nims of 20 Codjer Lane stressed the importance of determining what the permitted use is on that site once and for all.

At the conclusion of discussion, it was on motion unanimously

VOTED: To continue to December 21, 1981, by mutual consent, site plan #81-238 of Stephen L. D'Angelo of Vesta, Inc., for property located at 57 Codjer Lane, owned by William A. Senscal.

Utility Petition #81-15 - Brimstone Lane

Present: Building Inspector Joseph E. Scammon; Robert L. Blake, Boston Edison Company, and Joseph D. Bausk, New England Telephone and Telegraph Co.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered joint Utility Petition, No. 81-15, of the Boston Edison Company and the New England Telephone and Telegraph Company, for permission to erect or construct, and a location for, poles, and such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line, to be used in common by them, upon, along and across the following public way of the Town:

Brimstone Lane - southwesterly side, approximately 33 feet southeast of Boston Post Road, One (1) pole;

Brimstone Lane - northeasterly side, approximately 165 feet southeast of Boston Post Road, One (1) pole;

Brimstone Lane - northeasterly side, approximately 282 feet southeast of Boston Post Road, One (1) pole;

Brimstone Lane - southwesterly side, approximately 580 feet southeast of Boston Post Road, One (1) pole;

Brimstone Lane - southeasterly side, approximately 875 feet southwest of Boston Post Road, One (1) pole;

Brimstone Lane - southeasterly side, approximately 1,015 feet southwest of Boston Post Road, One (1) pole;

Brimstone Lane - northwesterly side, approximately 1,172 feet southwest of Boston Post Road, One (1) pole.

Executive Secretary Richard E. Thompson stated that this hearing had been tabled on November 16 pending further information from Boston Edison and New England Telephone and Telegraph Co. to substantiate their request for additional poles, and pending information from the Building Inspector regarding future development on Brimstone Lane.

Mr. Thompson stated that all appropriate abutters had been notified.

Building Inspector Joseph E. Scammon showed a Town Property Map, #L04, which showed Brimstone Lane from Boston Post Road to the Conservation Land. The easterly side of Brimstone Lane showed three potential building lots - the westerly side being mostly undeveloped land. Mr. Scammon had marked in red the location of the seven proposed utility poles under this petition.

Mr. Robert L. Blake of Boston Edison explained that the reason for this Utility Petition was to reduce the length between the existing poles from three hundred feet apart (a unique situation to this area) to one hundred fifty feet apart to correct the situation of cables hanging too low.

Mr. Blake stated that, contrary to his comments at the November 16 hearing that it might be necessary to blast in order to install these utility poles, his contractor had confirmed that it will not be necessary.

Mr. Joseph D. Bausk of the New England Telephone and Telegraph Co. stated that no additional cables will be necessary in order to service any future construction on Brimstone Lane. In fact, they are planning to replace the two existing cables with a single cable. Mr. Blake added that the only additional cable would be the cable to any new homes.

Having responded to Selectman Cossart's concerns that these proposed poles are necessary for the existing cables, not in anticipation of future development, it was on motion by Selectman Cossart, unanimously

VOTED: To approve Utility Petition #81-15 of the Boston Edison Company and the New England Telephone and Telegraph Company, as described above, and as shown on a plan entitled, "Plan of Brimstone Lane, Sudbury, Showing proposed pole locations", dated September 15, 1981.

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, and for discussing the Charity Fund.

(Roll call vote: Chairman Donald, in favor; Selectman Cossart, in favor; Selectman Murray, In favor.)

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 10:15 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk