

IN BOARD OF SELECTMEN
MONDAY, JANUARY 5, 1981

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 Acting Chairman Anne W. Donald. Chairman Murray arrived later.

Site Plan #80-228, Mullen Lumber Co., 28 Union Avenue

The Board continued consideration of Site Plan #80-228 of Mullen Lumber Co., Inc., for property located at 28 Union Avenue, business and limited industrial zones, owned by Mullen Realty Trust, (which had been tabled on December 29, 1980) by reviewing a January 2, 1981, communication from Town Counsel's office, prepared in conjunction with the Building Inspector, resolving the concerns addressed by the Board at its December 29th meeting.

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

VOTED: To approve Site Plan #80-228 of Mullen Lumber Co., Inc., for property located at 28 Union Avenue, owned by Mullen Realty Trust, for the purpose of adding a shed-type storage area to the existing building, as shown on a plan entitled, "Mullen Lumber Co., Sudbury, Mass., Addition To Storage Building, Union Ave., Sudbury, Mass.", dated November 14, 1980.

Executive Secretary Richard E. Thompson asked the Selectmen to stop by the office during the week to sign the site plan.

Draft - Selectmen's Annual Report

The Selectmen reviewed a re-draft of the Selectmen's Annual Report, which included suggested revisions made by them at their December 29th meeting and revisions made by Selectman Donald later that week. The Executive Secretary was directed to communicate to each of the Selectmen individually regarding any further suggested revisions and to bring the report back to the Board for final approval and signing next week.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular and Executive Sessions of December 22, 1980, and the Regular Session of December 29, 1980, all as amended.

Hosmer Memorial Fund Donations

It was on motion by Selectman Cossart unanimously

VOTED: To accept, on behalf of the Town, two checks totaling \$350.00, listed in a communication from the Town Treasurer, dated December 31, 1980, to be deposited to the Edwin Barrett Hosmer Memorial Fund.

Holiday Pay - Fire Chief

Relative to holiday pay clarification, Town Counsel confirmed that State statute would prevail over the Town Bylaw so that the Fire Chief can be paid beyond the maximum salary specified in the Town Bylaw for that position in order to be compensated for Holiday Pay, over and above his regular salary, in accordance with G. L. Chapter 48, s.57E.

Town Counsel Paul L. Kenny added that, if the amount of Holiday Pay exceeded the Overtime Budget appropriation for that Fiscal Year, the Town's binding duty (under State statute) to pay it would have to come from a Town Meeting appropriation and/or a transfer of Town funds through the Finance Committee.

Following a brief discussion, the Selectmen directed the Executive Secretary to prepare for the Board's signature a request to both the Fire and Police Chiefs that they not work on a Holiday (for Holiday Pay) unless an emergency exists.

Accept Donation - Council on Aging

It was on motion by Chairman Murray unanimously

VOTED: To accept, on behalf of the Town, a donation in the amount of \$500 to be used for the Council on Aging.

Chairman Murray recessed the meeting at 7:28 p.m.; the meeting was called back to order at 7:30 p.m.

Site Plan #80-227, Frank M. Vana, 435 Boston Post Road

Present: Frank M. Vana, Trustee, Filomena Vana Trust and Deborah Vana; Bruce Ey, Engineer; Richard Skarinka, Project Engineer; Robert Trigg, Wellesley Associates, Architects; Chairman Joan C. Irish, H. Rebecca Ritchie and Judith A. Cope, Conservation Commission; and Chairman John C. Cutting, Planning Board.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan Application #80-227 of Frank M. Vana, Trustee, Filomena Vana Trust, for Lots 4 & 5, 435 Boston Post Road, zoned Limited Business #6 and Residential A, for a shopping Center.

Executive Secretary Richard E. Thompson responded that all appropriate abutters and Town officials had been notified, and that the following communications/reports had been received:

- from the Building Inspector, dated December 4, 1980, recommending tentative approval and indicating a report to follow;
- from the Building Inspector, dated January 2, 1981, with recommendations for vehicular and fire access, and questioning an encroachment of the proposal on the abutting residential lot;

- from the Planning Board, dated December 30, 1980, with conditional approval;
- from the Board of Health, dated January 2, 1981, with recommendations;
- from the Town Engineer, dated December 31, 1980, with recommendations;
- from the Conservation Commission, dated December 21, 1980, requiring a filing under the Wetlands Protection Act, G. L. Chapter 131, s. 40; and
- from the Sign Review Board, dated December 19, 1980, with no recommendation at this time.

Mr. Thompson noted that on November 10, 1980, at the request of the petitioners, the Board had waived provision 1.c of the Selectmen's Policies and Procedures under I. Site Plan Submissions Rules and Regulations, allowing submission of a site plan with a scale of 1"=40'.

Applicant Frank M. Vana's opening presentation informed the Board that the area of the proposed building would include 70,000 square feet of retail space and 14,000 square feet of office space, with available parking for 444 cars. Mr. Vana gave some background information regarding the renovations to his abutting property and stated that the 1776 Plaza had been completely renovated at this time, including the addition of new stores.

Mr. Vana said that his architectural renderings for the proposed shopping center had been prepared by Wellesley Associates, Architects, in the colonial design as he had stated he would do at Town Meeting when the property was rezoned. Landscaping had been purposely eliminated so that the Board could have a clearer picture of the proposed building, parking and drainage system(s).

Project Engineer Richard Skarinka explained the conditions of the site and the proposal for the approximate 10.65 acres, located at 435 Boston Post Road. Displaying a schematic plan, Mr. Skarinka stated that there will be approximately 490 feet of frontage in Limited Business District #6 and approximately 317 feet in Residential Zone A. In addition, Mr. Skarinka showed and explained the drainage provisions on site, based on a 50-year storm. Later in the evening, responding to Selectman Cossart's question referencing the Town Engineer's concern that the drainage design standards should comply with the Town's policy; namely, detention basins for a 100-year storm, Mr. Skarinka stated that by deepening the culvert located in the rear of the building and parking area to accommodate a 100-year storm requirement could result in breaking into the natural groundwater level, and did not advise it. Mr. Bruce Ey concurred and added that the surface run-off retention area in the rear parking lot would be lined with a plastic liner type layer to prevent infiltration. Chairman John C. Cutting of the Planning Board was present and stated that this would address the Planning Board's concern, noted in its December 30 communication. Relative to meeting the 100-year storm requirement in the front parking lot, Mr. Skarinka stated that it could be designed but indicated he was not in favor of it; Selectman Cossart stated that this would have to be reconciled between the Town Engineer and the project engineers.

Mr. Skarinka explained the access to the shopping center. There will be a 24' wide entrance/exit directly across from Union Avenue using the existing curb cut with alterations. It was noted that the Building Inspector had expressed some concern regarding the width of the access in his December 30 communication, since the Bylaw, Section IX, V, C, calls for a width of not over twenty feet. Mr. Vana relayed information received from the State Department of Public Works, District 4, that twenty-four feet was the recommended width they required, over-riding the Town Bylaw requirement. Mr. Cutting responded to Selectman Cossart that this was not a concern of the Planning Board. Mr. Skarinka added that there would be a mechanical provision on the traffic light to allow vehicles exiting from the center to trip the light at the intersection.

Mr. Vana informed the Board that he had been speaking to the State for the past three years regarding the widening of Route 20 and feels now that this is at last one of their priorities. Mr. Vana said that he is planning on the widening in conjunction with the proposed shopping center in view of the traffic situation we have in Sudbury on Route 20 as it exists now.

Later in the evening, Mr. Robert Trigg of Wellesley Associates, (Architects) explained that the parking area to the Sudbury Farms shopping center would be opened to the proposed shopping center and confirmed their mutual feelings that traffic lights would be very beneficial at the Union Avenue intersection, which would be constructed by the State in conjunction with the widening project on Route 20.

Responding to Chairman Murray, Mr. Skarinka addressed the concern of both the Town Engineer and the Planning Board relative to the retaining wall, the access road, and the blind corner at the east end of the proposed building. He stated that the retaining wall will be only 4' rather than 7' high, and that it would be moved further eastward for better visibility and easier snow removal. Mr. Ey added that, relative to the Town Engineer's added concern regarding delivery trucks, there would only be small stores in that wing of the building, and for that reason it would not be necessary for large delivery trucks to be unloading there. Mr. Vana commented that he would be willing to remove that corner of the proposed building and re-arrange parking spaces so as to eliminate the blind corner, if necessary. Mr. Vana added that there is plenty of area to accommodate the required parking, and that his initial concern was to include it so as to provide the most landscaping - shade trees, grass - but it could be rearranged. In addition, in accordance with the Planning Board's request, Mr. Skarinka stated that nine parking spaces would be eliminated in the northwest corner of the building in order to correct the parking pattern.

Mr. Vana commented that the suggestion for walkways was very helpful, and that his plans now include walkways on the southwesterly side of the building going around to the front, as well as rear entrances for easier access to the shops from the rear parking lot.

Responding to Selectman Cossart, Mr. Skarinka reviewed the drainage flow, 1) in the rear parking lot, 2) in the front parking lot, (both of these based on a 50-year storm), and 3) in the front corner parking lot abutting Route 20. Mr. Skarinka stated that the current run-off is 35.7 cubic feet per second, and they are proposing off-site run-off 21.7 cubic feet per second, which will be less than what is existing now. Mr. Skarinka stated that this drainage

system is designed so that if the State's priority is dropped, we will still have our retention areas (which will be grass areas) using the liners as in the rear drainage area, in accordance with the Planning Board's request. Mr. Skarinka explained plans to relocate the Sudbury Water District easement to along the edge of the property (nearest the 1776 Plaza), and to tie it into Route 20. Mr. Skarinka stated that the proposed State taking along the east and parallel to Route 20 is 20' wide, and approximately 10' wide on the opposite side of the street. This taking, he said, will not affect their detention area. Responding to the Executive Secretary, Mr. Vana stated that, from information he had, the State plans to go out for bid on the widening of Route 20 in Sudbury in the late summer or early fall of 1981, and that he did not know what this meant in terms of construction.

Relative to landscaping, Mr. Vana stated that he had consulted Mr. Firth, and they have come up with several good landscaping ideas for the proposal, and that much more landscaping is planned now than had been originally planned.

Relative to snow removal, and following discussion on the subject, Mr. Vana said that he would not use any salt during snow removal because of the close proximity to the Town wells.

At the conclusion of discussion and on the recommendation of the Selectmen, Mr. Vana, his engineers and architects, agreed that they would incorporate the conditions of the various boards and commissions on the site plan, and have a pre-conference with the various boards and commissions to review the matters, some of which were discussed earlier prior to re-submitting the site plan to the Selectmen on January 19, 1981.

It was on motion unanimously

VOTED: To table by mutual consent Site Plan Application #80-227 of Frank M. Vana, Trustee, Filomena Vana Trust, for Lots 4 & 5, 435 Boston Post Road, until January 19, 1981.

Chairman Murray thanked everyone for attending.

Chairman Murray recessed the meeting at 8:50 p.m.; the meeting was called back to order at 9:00 p.m.

Joint Meeting with Highway Surveyor - 1981 Annual Town Meeting Articles

Present: Highway Surveyor Robert A. Noyes.

Executive Secretary Richard E. Thompson confirmed the Board's joint submission with the Highway Surveyor of 1981 Annual Town Meeting article "Accept New \$4,000 Bidding Regulations".

Highway Surveyor Robert A. Noyes explained his only other article - "Sanitary Landfill" - which is an appropriation request of \$52,000 for cover material, and related supplies - explaining the stockpiles on site will last approximately 5 months and the cost for cover material is \$2.25 per ton (which equals approximately 1 yard).

The Selectmen concurred with the Executive Secretary's suggestion that the Highway Surveyor consider consulting with the Earth Removal Board, the Town Engineer and the Water District relative to using in-house staff - Highway and Engineering Departments - to locate possible Town-owned land for gravel supplies and/or other cover materials, i.e. sand. Mr. Noyes expressed some interest but also commented on the stringent State regulations/standards on cover materials.

Mr. Noyes commented that the \$52,000 request is in addition to a budget line item for cover material in the amount of \$13,567 - this particular line item has been reduced by 10% over last year's \$15,075 - for a combined amount of \$65,567 for cover material and related supplies.

Mr. Noyes briefly commented on his overall budget, which he said would be heard by the Finance Committee Thursday evening, January 8. Mr. Noyes explained some of his budget reductions, as well as responding to Selectman Cossart regarding the inclusion of a budget appropriation for a large equipment purchase. Relative to this, the Executive Secretary said that various departments had met at the Loring Parsonage but agreed that it would not be feasible at this time to consolidate leasing and/or renting equipment rather than purchasing new. During further clarification of the Highway Department budget, Mr. Noyes said that he chose to defer the drainage project for one year, explaining that last year's drainage money is still available to do work in Union Avenue. Mr. Noyes commented on his plans for changing the presentation of his budget to Town Meeting by grouping categories and totals rather than presenting individual line items. This procedure, he said, would reduce the time for presenting the budget as well as allow more flexibility for use of the funds within the groupings.

At the conclusion of discussion, Chairman Murray thanked Mr. Noyes for attending.

Accept Annual Town Meeting Articles - December 31, 1980 Deadline

Following discussion it was on motion unanimously

VOTED: To accept twenty-three articles submitted under the December 31 deadline for inclusion in the 1981 Annual Town Meeting Warrant, as follows:

- Hear Reports
- Temporary Borrowing
- Unemployment Compensation
- Accept GLc44,s65 - Vacation Pay Advance
- Actuarial Study - Retirement Pension
- Accept New \$4000 Bid Regulations
- Study - MDC River Diversion
- Secretarial Pool
- Levy Limit/Proposition 2 1/2 Override
- Appropriations Limit
- Use of Free Cash
- Unpaid Bills
- Budget
- School Roof Studies

- Energy Conservation Implementation
- Acquisition, Barton Land
- Agricultural Preservation, Restriction Purchase
- Landfill Cover Material
- Lincoln - Sudbury Playing Fields
- Lincoln-Sudbury Roof Repair
- South Middlesex Consumer Protection Office
- Dutton Road Walkway
- Update Property Values, Assessors

and it was further

VOTED: To withdraw Biennial Update of Property Values, submitted by the Board under the December 31st deadline, for the 1981 Annual Town Meeting Warrant, on December 15, 1980.

And it was further

VOTED: Not to support the Special Act/Tax Abatement article, submitted by Estelle V. Simon, because the submission of an article by and for an individual is not consistent with the past practice/procedure, nor is the content of the proposed article within the purview of the Board of Selectmen.....it more appropriately should be addressed by the Board of Assessors.

The Selectmen directed the Executive Secretary to inform Mrs. Simon of their action and the procedure to follow if she cares to submit a petition article on the same subject.

Current Items of Interest

New England Research

Selectman Cossart stated that he and the Health Director met with New England Research and requested them to submit the forms requested by the Board of Health sometime ago relative to the materials they are using.

Handicapped Parking

Referencing the December 30, 1980, communication to the Police Chief from Russell Loftus of the Sudbury Housing Authority relative to proper markings for handicapped parking, Chairman Murray directed the Executive Secretary to request a reply from the Police Chief. Selectman Donald added her comments that there should probably be some upright signs for better visibility, especially during the winter months when lettering on the actual parking spaces cannot be seen.

Hydrant Rental

The Executive Secretary circulated a copy of the January 5, 1981, communication informing the Board of Water Commissioners of the Board's action to delete funding for hydrant rental, effective July 1, 1981, and requesting their cooperation.

J. T. Steak House

Mr. Thompson informed the Board of receipt of a notice of bankruptcy relative to J. T.'s Steak House. Town Counsel informed the Board that the Town should make a filing before January 22, which is the date of the hearing on that matter to prevent their attorney from filing a motion to disallow taxes. (The amount due the Town of Sudbury in back taxes is approximately \$11,000).

South Middlesex Opportunity Council (SMOC)

Mr. Thompson referenced a report received from SMOC dated December 31, 1980, informing the Board of the breakdown of people in Sudbury who applied and either received or who were not eligible to receive funding under the Federal Home Energy Assistance Program for 1981-82.

Executive Session

At 9:50 p.m. it was on motion by roll call

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

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

There being no further business to come before the Board, the meeting was adjourned at 10:10 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk