

IN BOARD OF SELECTMEN  
MONDAY, JANUARY 19, 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 Chairman John E. Murray.

Girl Scouts Cookies Presentation

Present: Charlotte Finigan and Sarah Guernsey, Girl Scouts, Troop 2735.

As a cookie sale kick-off, Charlotte Finigan and Sarah Guernsey, Girl Scouts of Troop 2735, presented several boxes of cookies to the Selectmen and stated that the cookie sale would begin on January 23, 1981.

Annual Town Election/Meeting

It was on motion unanimously

VOTED: To set the 1981 Annual Town Election for the four precincts in Sudbury for Monday, March 30, 1981, from 7:00 a.m. to 8:00 p.m., at the Peter Noyes School;

and it was further

VOTED: To set the opening session of the 1981 Annual Town Meeting on Monday, April 6, 1981, at 8:00 p.m. in the auditorium of the Lincoln-Sudbury Regional High School;

and it was further

VOTED: To establish that the Annual Regional School District Election shall be combined with and held as part of the Annual Town Election of Sudbury; that the ballot for the Annual Regional District Election shall be included with and prepared as part of the ballot for the Annual Town Election;

and it was further

VOTED: To establish that the listing of the offices shall be the same as set forth in the Warrant for the Lincoln-Sudbury Regional School Committee Election and shall be printed as the last office on the ballot;

and it was further

VOTED: To approve allowing the Board of Registrars to hold special registration sessions prior to the Annual Town Election and Town Meeting at the Town Hall, in accordance with Chapter 51, section 30, of the General Laws.

Anti-Recessionary Fiscal Assistance Funds

Following review of a communication dated January 14, 1981, from the Town Accountant enclosing a prepared response to a letter of December 18, 1980, from the Office of Revenue Sharing requesting evidence that the Town has complied

with regulations stipulating that Anti-Recessionary Fiscal Assistance funds have been obligated as required, the Executive Secretary was directed to send said prepared response, as amended, to Mr. Elliott E. Clark, Supervisory Auditor, Office of Revenue Sharing. Selectman Cossart directed the Executive Secretary to attach an attested copy from the Town Clerk of the 1978 Annual Town Meeting proceedings (clean-up motion and vote) on the same.

Appointment/Reinstatement Reserve Patrolman

Executive Secretary Richard E. Thompson stated that Police Chief Nicholas Lombardi agreed with the reinstatement and appointment of former Patrolman Allan Houghton as a Reserve Patrolman, as requested by him, provided he is considered last on the list of four Reserve Patrolmen and any layoffs. (There are presently five Patrolmen who have recently been appointed from the Reserve List, and whom the Police Chief anticipates will be affected under the cutbacks of Proposition 2½, and a Reserve List of four Patrolmen; Mr. Houghton would be listed as #10.)

The Selectmen, however, stipulated that Mr. Houghton should be considered before the four patrolmen currently listed on the Reserve List, or listed as #6 after or if five patrolmen are laid off,

and it was on motion unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to sign the Reinstatement (to the list of Reserve Patrolmen) of Allan C. Houghton, dated January 19, 1981, to be filed with the Division of Personnel Administration for their approval.

Crossing Guard Appointment

It was on motion by Selectman Donald unanimously

VOTED: To appoint Ronald Fullen, 1 Hazelwood Road, Maynard, as a crossing guard for the Noyes School, as requested by the Police Chief in a communication dated January 13, 1981, for a term to expire April 30, 1981.

Donation - Council on Aging

It was on motion by Selectman Donald unanimously

VOTED: To accept, on behalf of the Town, a donation in the amount of \$14 from Doris Dennis for use by the Council on Aging.

Chairman Murray recessed the meeting at 7:28; 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 and later H. Rebecca Ritchie and Judith A. Cope, Conservation Commission.

The Board continued consideration of 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 #6 and Residential A, for a shopping center, (which had been continued by mutual consent on January 5) by reviewing the following:

- information from the Executive Secretary relative to a conference which was held with the Town Engineer, Building Inspector, Board of Health, Assistant Town Counsel, Frank Vana, Richard Skarinka, Robert Trigg, and Bruce Ey prior to tonight's continued hearing and after Mr. Skarinka had met with the Town Engineer;

- a report dated January 19, 1981, from the Town Engineer indicating that the engineering concerns expressed in his original report of December 31, 1980, have been resolved and recommending approval subject to the installation of a traffic light at the intersection of Union Avenue and Boston Post Road or the use of an off-duty police officer to assist with traffic in this location;

- a report dated January 16, 1981, from the Conservation Commission (which he distributed to the Board) indicating that a Wetlands Protection Act hearing will not be required and listing their recommendations prior to final approval of the site plan; attached to the Conservation Commission's report was a communication dated January 9, 1981, from Bruce Ey addressing and/or resolving concerns expressed by the Conservation Commission at a January 7, 1981, meeting of the Commission with Mr. Ey. (Mr. Thompson stated that Town Counsel had drafted a motion for the Board's consideration, which incorporated one of the concerns of the Conservation Commission; namely, that an as-built plan be submitted to the Board of Selectmen upon completion of construction of the shopping center.)

Project Engineer Richard Skarinka stated that he had the original plan and sepiã for the Board's and the Building Inspector's signatures.

Mr. Vana explained and requested approval of the following revisions on the site plan:

- roadway on the east side of the building was increased from 25' to 30' wide, and the retaining wall height reduced from 7' to 4'. Chairman Murray stated that the above was satisfactory to the Town Engineer, although it was not mentioned in his final report of January 19;

- 9 parking spaces were eliminated and the building reduced on the northeast corner for better visibility and movement. That area will be landscaped and stop signs will be used for traffic;

- the removal of parking spaces in the rear parking lot in addition to the removal of 6 parking spaces nearest the rear of the building to accommodate large delivery trucks;

- a sidewalk to allow access from the rear parking lots (the buildings will all have rear entrances) will be constructed on the southwest side of the building. During discussion and on the recommendation of Selectman Cossart, Mr. Vana stated that he would eliminate the loading dock where the sidewalk is to be constructed.

- planning Board member and landscape architect William R. Firth's landscape design suggestions have been incorporated on the site plan, including 40 shade trees! (Mr. Thompson stated that Mr. Merloni has a copy of the details.)

- Fire Chief Frost has approved the site plan based on the requirements of his department.

- Notes on the site plan:

1) the rear detention basin #1 will have a Hyperlon liner to make the basin impervious to surface runoff. Discussion focussed on Selectman Cossart's concern regarding the space between the detention basin and the water level, and Mr. Richard Brooks' concern regarding whether the liner would be anchored to prevent it from floating. Mr. Skarinka satisfactorily addressed Selectman Cossart's concerns and stated that the liner would be anchored. It was noted that that area is above the water table, and Mr. Skarinka explained that the liner would float if the water table was unusually high, and to avoid this situation a stone drain can be placed under the liner.

2) In accordance with Town Counsel's recommendation, easements from the owners of 225, 239 and 245 Raymond Road (Mr. Vana's properties) shall be granted before issuance of a building permit.

3) (stated later in the evening) leaching easement for Lot A is part of a lease dated May 24, 1963, recorded in the South Middlesex Registry of Deeds in Book 219, page 293.

On the recommendation of Mr. Brooks, and following a lengthy discussion, it was agreed that a maintenance obligation provision for this property (i.e., drainage, holding pond cleaning) be made part of the Board's final vote of approval for this site to the present, as well as, subsequent owners.

Mr. Brooks further commented that any large-scale development which occurs in the proximity of our well fields should be satisfied by a sewage treatment plant rather than by a standard leaching field. Mr. Vana responded that this would be very costly and not very desirable, according to the Board of Health. Mr. Vana continued that the shopping complex is 500-600' from the well; it is a retail center, not a high use volume and the leaching fields are 1,000-1,200' from the wells. Mr. Brooks asked if there were any stipulations on the plan that no high-volume users, such as a beauty parlor, would be permitted. Mr. Vana stated there was no stipulation, however, this would be under the purview of the Board of Health. Relative to the restaurant planned for this center at the present time, Mr. Vana explained that a separate drainage system would serve only the restaurant. There was a further explanation of the engineering plans for leaching/drainage by both Mr. Skarinka and Mr. Ey.

Mr. Thompson referenced a letter from Lucille C. Sims, Deputy Director of Zoning, Boston Redevelopment Authority, dated January 12, 1981, suggesting a by-pass road connecting with Nobscot Road. Mr. Vana stated that he would be willing to consider this at some future time and also accommodate any further requests for a rear access road onto Raymond Road, if abutters to Raymond Road so desire.

Relative to the completion of this shopping center proposal in conjunction with the widening of Route 20, and following a lengthy discussion, it was agreed:

1) to address the basic concern of the Selectmen relative to the movement of traffic, Chairman Murray recommended that a traffic light be installed at the present owner's expense if the shopping center is completed and the widening of Route 20 by the State including the traffic light installation had not taken place;

2) additionally, Chairman Murray suggested that Mr. Vana consider constructing the proposed 20' State taking parallel to Route 20 on the northerly side of his property in conjunction with the construction of the center in anticipation of State signalization of Union Ane. and Route 20.

Selectman Cossart clarified by stating that there should be a stipulation in the final approval of the site plan that sufficient land would be made available on the entire frontage of the property to allow for a State taking in accordance with the DPW's engineering plans for the same.

Mr. Vana agreed to these two items and appealed to the Board for its assistance in obtaining a traffic light through the DPW, if in fact the widening project is postponed/cancelled, and relative to the engineering specifications for the 20' taking. Mr. Ey commented that there is a curb cut permit pending right now with the DPW so that they are aware of Mr. Vana's plans. Mr. Vana added that as soon as this site plan is approved he will be going directly to the DPW and showing them what we want and what the Selectmen are suggesting.

At the conclusion of discussion Town Counsel gave his opinion as to how the vote should be worded and following further discussion, it was on motion by Chairman Murray unanimously

VOTED: To approve Site Plan #80-227 of Filomena Vana Trust, Frank M. Vana, Trustee, property at 435 Boston Post Road, for a shopping center, subject to the following requirements:

1. An automated traffic control signal shall be installed and operating at the intersection of Boston Post Road and the entrance to the center;
2. Three fire hydrants shall be placed on the premises at locations approved by the Fire Chief;
3. Salt, either alone or in combination with other materials, shall not be used for ice removal;
4. Upon completion of construction a certified as-built plan shall be submitted to the Board of Selectmen;
5. The owner of record of the shopping center shall be responsible for maintenance of all drainage, holding ponds and liners related thereto;
6. Site plan shall conform with the State plans for widening of Route 20. In the event that the State abandons or delays the plans the applicant must obtain state and local approval for the entrance and exit design together with resubmittal of the site plan for approval.

Lincoln-Sudbury Regional School District Committee (LSRSDC) - 1981 Annual Town Meeting Articles

Present: Chairman Alan H. Grathwohl and Richard F. Brooks, LSRSDC.

In accordance with a request dated January 19, 1981, of the LSRSDC it was on motion by Chairman Murray unanimously

VOTED: To delete from the list of 1981 Annual Town Meeting articles - "Amend Lincoln-Sudbury Regional Agreement - Assessment Bank Account".

Mr. Grathwohl stated that at the next LSRSDC meeting he plans to recommend they vote to amend its article - "Amend Lincoln-Sudbury Regional Agreement - Art. 5d & 9, Budgets" - by deleting the amendments to Article 5d and paragraph 3 of Article 9 and keeping the amendment to paragraph 4, Article 9.

Executive Secretary Richard E. Thompson referenced the two monied articles being submitted by the LSRSDC - one for the High School building roof, an appropriation of \$72,845, and the other for the improvement of the playing fields, and appropriation of \$84,080.27.

Mr. Brooks stated that due to the restraints on the High School budget, it was unrealistic to include roof and playing fields repairs, and that was the reason these repairs were being submitted as articles. He explained that a committee had been formed to study the playing fields and this article was subject to amendment following the Committee's investigation and recommendation for necessary repairs. Mr. Brooks also commented that, while repair of playing fields might not be considered a priority in the light of Proposition 2½, the Committee saw it as its duty to bring this subject to the Town Meeting for discussion.

Ordering of Warrant for 1981 Annual Town Meeting

Present: J. Owen Todd, Town Moderator.

During review and discussion the Board ordered the 39-article Warrant for the 1981 Annual Town Meeting.

It was agreed to place the following articles on the consent calendar:

- Temporary Borrowing
- Unpaid Bills
- Street Acceptances
- Amend Bylaws, Art. IX,I,B - Basic Requirements, Municipal Exemptions
- Amend Bylaws, Art. XV - Building Code/Fees
- Amend Bylaws, Art. IX,V,A - Special Regulations - Temporary Trailers
- Amend Minuteman Regional Agreement - Election

Board of Appeals - Discussion on 1981 ATM Bylaw Articles

Present: Chairman Ronald G. Adolph and Robert P. Savoy, Board of Appeals.

Amend Bylaws, Art. IX,VI,C,5 - Special Permit Guidelines - Site Plans

Chairman Murray stated that passage of this article would mean a change in the present site plan procedure whereby an applicant would file for a variance or permit with the Board of Appeals first and then go to the Selectmen for site plan approval. Board of Appeals Chairman Ronald Adolph expressed disagreement with this proposed change, stating that, under the current procedure of the Board of Appeals, their approval is granted in accordance with the plan submitted with the application, and the permit would no longer be valid if the Selectmen later approve a plan with alterations.

Lengthy discussion followed during which it was explained by the Selectmen that the reason this article was being proposed was to save an applicant time and money by first determining whether a necessary permit would be granted by the Board of Appeals before having to go through the long and expensive process of site plan approval. Mr. Adolph remained firm in his belief that, in order to make an informed decision, it was necessary to be able to review the final plans which had already received the input from the various affected boards, and because of the advertising requirements, it would be particularly cumbersome to have to re-hear a case if a site plan was approved with changes that affected the Board of Appeals previous approval. It was also noted by Town Counsel that Board of Appeals decisions could be better defended in court if they were based on an approved site plan.

The Board of Selectmen agreed to give further consideration to the article in question.

Amend Bylaws, Art. IX,I,B - Basic Requirements - Municipal Exemptions

Chairman Murray pointed out the amendment in section B. Basic Requirements, #2.B.; the wording was slightly corrected on the recommendation of the Board of Appeals members who were present.

Amend Bylaws, Art. IX,V,A - Special Regulations - Temporary Trailers

Chairman Murray explained that passage of this article would eliminate the need for a new/revised site plan in order to place a temporary trailer on business or industrial property during construction/expansion, requiring only a permit from the Board of Selectmen, and the Board of Appeals, if necessary.

The Board of Appeals members present were in agreement with the intent of this article.

At the conclusion of discussion, Chairman Murray thanked the Board of Appeals members for coming.

Rescheduling Selectmen's Meeting

It was on motion by Chairman Murray unanimously

VOTED: To reschedule to February 17, the Selectmen's meeting of February 16, due to the Washington's Birthday holiday.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of January 5, 1981, as amended, and the minutes of the Executive Session of January 5, and the Regular Session of January 12, 1981, as drafted.

Current Items of Interest

Concert at High School

Chairman Murray informed the Board of a concert to be held at the High School, Sunday, February 8, from 2:00-5:00 p.m.

Dudley Road Traffic Problems

Selectman Cossart alerted the Board that he had received complaints from several people on Dudley Road regarding traffic problems in that area; i.e., speed and use. During discussion, the Executive Secretary was directed to conduct a survey of the neighbors on Dudley Road relative to the degree and type of complaints, to refer the matter to the Police and Fire Chiefs, the Highway Surveyor and the Town Engineer, and to schedule a public hearing with all interested persons.

Walkway Plowing - Gelsinon Property, Concord Road

Selectman Cossart brought to the Board's attention a communication dated January 8, 1981, from Madeline R. Gelsinon complaining about the plowing of the sidewalk, which crosses her driveway, in front of her property. On the recommendation of Chairman Murray, the Executive Secretary was directed to request comment from the Highway Surveyor concerning Mrs. Gelsinon's remarks; thereafter, to forward a reply to Mrs. Gelsinon.

Sanitary Landfill

Selectman Cossart referenced a January 13, 1981, communication from the Town Engineer and attached LEA Water Quality Analysis on three wells south of the new Wayland Landfill and a well in the joint Wayland/Sudbury facility and a plan submitted to the DEQE showing proposed site explorations and monitoring wells. Selectman Cossart questioned if everyone in the State will eventually be an open dump or if there is a legitimate problem, since the above-mentioned data provided does not substantiate that a problem exists at the Sudbury Landfill. The Executive Secretary was directed to contact the Board of Health relative to its opinion as to the magnitude of the problem of leachates at the sanitary landfill, if any.

Housing Impact Study

Selectman Cossart directed the Executive Secretary to obtain a copy of the Housing Impact Study from the Planning Board.



Lot 54 Munnings/Ford Roads - Bowker V Subdivision

Mr. Thompson informed the Board that a building permit for Lot 54, Munnings and Ford Roads, had been issued, by the Building Inspector following his review of engineering studies provided by the Town Engineer. The Executive Secretary was directed to obtain a soil report on the lot for the Board's review.

Minuteman Regional Vocational Technical School District (MRVTSD) Communication - Budget

The Board acknowledged receipt of a January 8, 1981, communication from the MRVTSD relative to a tentative operating and maintenance budget for the 1980-81 school year.

Vouchers - Historical Commission Purchase

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

VOTED: To authorize the Historical Commission to take \$210 from the Hosmer House Festival Fund (a memorial fund) for deposit by the Town Treasurer to the Historical Commission's checking account to reimburse Victor Walsh for personal expenses during the fund raiser for the Hosmer House.

Methods Machine Tools, Inc., Union Avenue

Following a brief discussion, it was on motion by Selectman Donald unanimously

VOTED: To waive requirement 1.b of "Site Plan Submission Rules and Regulations" as to "the largest dimension of the plan not exceeding 36 inches", as requested by Colburn Engineering, Inc., in a communication dated January 19, 1981, for Methods Machine Tools, Inc., Union Avenue.

Fitzgerald Grievance

Mr. Thompson informed the Board that he had been contacted by the Chairman of the Personnel Board relative to its decision that the Fitzgerald matter be closed.

Energy Conservation Measures

The Executive Secretary distributed to the Board copies of a communication dated January 13 from the Permanent Building Committee Chairman dealing with the status of the completion of energy conservation measures, which he had referred for information to the Building Inspector on January 16.

There being no further business to come before the Board, the meeting was adjourned at 10:45 p.m.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk