

IN BOARD OF SELECTMEN  
MONDAY, JUNE 1, 1981

Present: Chairman Anne W. Donald, William J. Cossart, and John E. Murray.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Chairman Anne W. Donald.

Site Plan Application - Mutual Realty Trust, 34 Station Road

Present: Applicant Herbert J. Segien and Robert Taylor, Mutual Realty Trust; Building Inspector Joseph E. Scammon; and Fire Chief Josiah F. Frost.

In accordance with Article IX, Section V. Paragraph A, of the Sudbury Bylaws, the Board considered Site Plan Application #81-230 of Mutual Realty Trust Sudbury, for property located at 34 Station Road, for an addition to the existing building.

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

- from the Board of Health, dated May 28, 1981, recommending approval;
- from the Conservation Commission, dated May 27, 1981, indicating no apparent jurisdiction under the Wetlands Protection Act if the construction is according to the submitted plan;
- from the Building Inspector/Zoning Enforcement Agent, dated June 1, 1981, indicating the following: 1) the proposed addition meets the required setbacks from the street and the lot lines; 2) parking meets the bylaw requirements and should be adequate; 3) the site is located in Industrial District No. 2, which allows wholesale but not retail sales - a Special Permit would be required from the Board of Appeals if retail sales are planned. (It was noted the Town Counsel concurred with this interpretation of the Town bylaw by the Building Inspector.); and 4) a plan will be required showing steel reinforcement in the part of the foundation which will bridge the drain pipe;
- from the Town Engineer, dated May 21, 1981, indicating two areas of concerns from the engineering and zoning aspect: 1) that the Town be granted a 15' wide drainage easement from Station Road to the rear of the property, and held harmless for any damage resulting in normal maintenance to the drainage system within said easement; and 2) whether or not retail sales are an allowable use in the Industrial District;
- from the Planning Board, dated May 22, 1981, concurring with the Town Engineer's and the Building Inspector's recommendations and stating that the sale of auto parts in the Industrial District is a non-conforming use;

The Board reviewed with the applicants the proposed site plan entitled "Site Plan of Land in Sudbury, Mass.", dated April 18, 1981, additions May 1, 1981.

Following discussion it was on motion by Selectman Murray unanimously

VOTED: To approve Site Plan #81-230 of Mutual Realty Trust Sudbury, for property located at 34 Station Road (owned by Station Realty Trust), for the purpose of constructing an addition to the existing building, for wholesale sales only, as shown on a plan entitled, "Site Plan of Land in Sudbury, Mass.", dated April 18, 1981, additions May 1, 1981, subject to the following conditions:

1) the owner shall grant to the Town a fifteen foot (15') wide drainage easement from Station Road to the rear of the property following the existing drainpipe and ditch;

2) the owner shall agree in writing to hold the Town harmless for any damage resulting from normal maintenance to the drainage within said easement; and

3) construction shall be completed as specified by and under the supervision of the Building Inspector and/or the Town Engineer to prevent damage to the drainage pipe and a thorough inspection at the owner's expense shall be conducted after construction is completed to verify that no damage has occurred.

Mr. Thompson stated that he would request Town Counsel to prepare the necessary drainage easement and release to be executed between Mutual Realty Trust Sudbury and the Town.

Confirming Telephone Votes

It was on motion by Selectman Murray unanimously

VOTED: To confirm the following telephone votes of the Board:

1) Vote of May 19, 1981, to call an Emergency Special Town Meeting for June 15, 1981, at 7:30 p.m. in the Lincoln-Sudbury Regional High School Auditorium; to accept two articles only, submitted by the Selectmen - Transfer Excess School Buildings and School Traffic Controls - and to close the warrant immediately; and

2) Vote of May 25, 1981, to approve requests dated May 7, 1981, of Sperry Research Center, 100 North Road, Sudbury, for the following: a) Special permission to submit a site plan with a scale of 1"=40'; and b) Use of two temporary trailers for office purposes for one additional year, extending the Boards vote of May 19, 1980.

And it was further

VOTED: To hold confirmation of the Board's telephone vote of May 20, 1981, to authorize the Chairman of the Board of Selectmen to sign Change Orders No. 7 and No. 8 in the amounts of \$947 and \$3331 respectively, in conjunction with the Police Station Addition contract with Hugo Construction Co., Inc., dated October 6, 1980, in order to obtain further clarification from Permanent Building Committee member Michael Melnick.

Grants from Governor's Highway Safety Bureau

It was on motion by Selectman Murray unanimously

VOTED: To acknowledge and accept grants for reimbursement from the Governor's Highway Safety Bureau of a maximum of \$1,000 for a radar unit and a maximum of \$7,000 for a police cruiser, as specified and in accordance with conditions contained in two communications dated May 14, 1981, from Joseph D. Cooper, Acting Director, Governor's Highway Safety Bureau.

Award from Massachusetts Executive Office of Communities and Development

The Board noted receipt of a communication dated May 18, 1981, from the Massachusetts Executive Office of Communities and Development notifying the Sudbury Housing Authority of its award of \$225,000 to develop five units of Chapter 705 scattered family housing.

Accept Donations

It was on motion by Chairman Donald unanimously

VOTED: To accept, on behalf of the Town, the following donations:

1) \$130.80 to be used by the Council on Aging, received from flea market proceeds; and

2) \$35 for the Edwin Barrett Hosmer Memorial Fund, received during the period of May 11-20, 1981.

Goodnow Library Trust Funds

Present: Town Treasurer Chester Hamilton; Town Accountant John H. Wilson; and Goodnow Library Director Wilma Lepore.

Following discussion on the question of approving, as co-trustees of Town donations under the provisions of Chapter 180 of the Acts of 1911, in accordance with a request dated May 5, 1981, from the Goodnow Library Trustees, the following actions:

a. Transfer of \$10,000 from the Goodnow Library Trust Funds Income Account to the Goodnow Library Invested Income Account; and

b. Expenditure of \$2,000 annually from the Goodnow Library Trust Funds Income Account by the Goodnow Library Trustees for the acquisition of historical research materials relating to Sudbury and the preservation of ancient documents.

The above was tabled pending further clarification from the Town Accountant relative to the status of the accounts, and from Town Counsel relative to the legalities of creating a new policy by which certain funds can be expended yearly from the Goodnow Library Trust Funds Income Account.

Town Fathers Forum

At 8:00 p.m. Chairman Donald opened the 140th Session of the Town Fathers Forum, a copy of which is attached and is a part of these minutes.

Transfer Request

Present: Police Chief Nicholas Lombardi.

Following a brief explanation by the Police Chief and after Town Counsel responded to Selectman Cossart that a past practice exists relative to paying for one week of vacation time for police officers, it was on motion by Selectman Murray unanimously

VOTED: To approve Request for Transfer No. 1013, dated May 28, 1981, from the Reserve Fund to Account 320-12, Police Department Overtime, as requested, and for the purposes explained, in a report from the Chief of Police dated May 28, 1981.

Selectman Cossart expressed concern about the continuance of this practice since it is not a matter specified or addressed in the Police Contract. The Board agreed it would be a good negotiating point in the next contract.

Colonial Spirits - Change in Location

Present: Stephen P. Steinberg and Edward L. Morrill, Colonial Spirits; Building Inspector Joseph E. Scammon.

Chairman Donald opened a public hearing on the petition of DuRobtrater, Inc., d/b/a The Colonial Spirits, Edward L. Morrill, Manager, holder of an All Alcoholic Retail Package Store License, for permission to change the location of the licensed premises from 513 Boston Post Road to a new structure to be built at 472-480 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 communications:

- from the Board of Health, dated May 29, 1981, requiring future approval by the Board of Health for the new sewage system which will be designed for the new structure to be constructed on the premises;

- from the Fire Chief and the Police Chief, dated May 11 and May 26, respectively, each stating no objections;

- from the Building Inspector, dated May 28, 1981, indicating that the site plan meets all zoning requirements, and that he has no objections to the license transfer.

Mr. Steinberg showed the Board the site plan entitled, "Proposed Site Plan for The Colonial Spirits, 474 Boston Post Rd., Sudbury Mass, 01776", drawing and layout by E. L. Morrill, scale 1"=20', and briefly explained one change, at the advice of the Building Inspector, to add an emergency exit in the rear of the building, and briefly reviewed the proposed construction.

It was on motion by Chairman Donald unanimously

VOTED: To approve the petition of DuRobtrater, Inc., d/b/a/ The Colonial Spirits, Edward L. Morrill, Manager, holder of an All Alcoholic Retail Package Goods Store License, for a change in location of the licensed premises from 513 Boston Post Road, to 472-480 Boston Post Road, subject to approval by the Massachusetts Alcoholic Beverages Control Commission; license for new location to be issued upon completion of the premises in accordance with the plan filed with this petition, and approved site plan, and surrender of the license for the present location of 513 Boston Post Road.

#### State Budget

The Board acknowledged receipt of a communication dated May 21, 1981, from the Massachusetts Municipal Association concerning the state budget as it relates to local aid. The Executive Secretary was directed to forward copies of the same to both Senator Atkins and Representative Lucile Hicks.

#### Minutes

It was on motion by Selectman Cossart unanimously

VOTED: To approve the minutes of the Regular Session of May 18, 1981, as drafted.

(Selectman Murray abstained due to his absence at the meeting.)

#### Current Items of Interest

Letter to Mrs. Mack - Selectman Cossart reminded Mr. Thompson to send a follow-up letter on behalf of the Board to Mrs. Mack relative to her concerns on the recent tax revaluation figures, and stated that he had further conversation with her on the subject, during which she stated that she still does not support the concept of the practices that the Assessors are using and that she had discussed the same with several other people.

Shick Land - Selectman Donald stated that she had attended a meeting in Wayland which had been called by Congressman Barney Frank relative to the disposition of the Shick property. Representatives of the Farmers Home Administration, purchasers of the property, spoke at the meeting. Chairman Donald stated that she received several pages of notes of that meeting taken by Conservation Commissioner Ritchie, and that after reviewing the same she would forward copies to Selectmen Murray and Cossart.

Meeting to Discuss Reorganization of Town Offices/Departments - Mr. Thompson informed the Board that he would be scheduling a meeting to discuss reorganization of Town offices and departments with all Town (non-school) employees in the near future.

Town Facilities Committee Meeting - It was noted that the Town Facilities Committee would be meeting tomorrow evening in preparation for Special Town Meeting with regard to Article 1.

Star Market Manager - Mr. Thompson informed the Board that Mr. Alan Hill is being replaced by Mr. David Bean as manager of the Sudbury Star Market.

Eagle Scout Presentation - Selectman Cossart stated that he would be able to attend the Eagle Scout presentation June 19.

Town Representative Turnover Program for Emergency Package Disaster Hospital - Mr. Thompson noted a copy of the authorization, signed by the Chairman of the Board of Selectmen, designating Josiah F. Frost, Civil Defense Director, as the community authorized representative to attend a meeting of the Massachusetts Civil Defense Agency June 3, relative to the Package Disaster Hospital Turnover Program.

Middlesex County Selectmen's Association - The Selectmen stated that they would let Mr. Thompson know if they could attend the June 17 meeting of the Middlesex County Selectmen's Association, depending on whether the adjourned Annual Town Meeting for June 15 was still in session.

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 or strategy for collective bargaining where open discussion of the same may have a detrimental effect.

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

Chairman Donald announced 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 10:15 p.m.

Attest:

Richard E. Thompson  
Executive Secretary-Clerk