

IN BOARD OF SELECTMEN
MONDAY, MAY 18, 1981

Present: Chairman Anne W. Donald and William J. Cossart.

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.

Pie Sale During Fourth of July Festivities

It was on motion by Chairman Donald unanimously

VOTED: To grant permission to the Sudbury Woman's Club to hold their Annual Pie Sale on the Town Green on July 4, 1981, in accordance with their request dated May 10, 1981.

Adult Care Center

The Board acknowledged receipt of an inquiry from The Adult Day Center, Inc., dated May 4, 1981, as to the availability of facilities in Sudbury for an adult day care center, and following a brief discussion, the Board directed the Executive Secretary to forward copies of the same to the Town Facilities Committee, the Sudbury Housing Authority, the Sudbury Public Health Nursing Association, and the Council on Aging requesting input from them.

Sperry Research Center Site Plan Scale/Temporary Trailer

On the recommendation of Selectman Cossart, and following a brief discussion, the Board tabled until June 1 taking any action relative to: 1) granting special permission to Sperry Research Center, 100 North Road, Sudbury, to submit a site plan with a scale of 1"=40' [as required under the Selectmen's Policies and Procedures for site plan submission requirements (I,1,c)]; and 2) approving an extension of the Board's vote of May 19, 1980, to allow the continued use of two temporary trailers for office purposes at Sperry for one additional year, as requested in a communication dated May 7, 1981. Both of these requests were held pending a reply to the Board's inquiry of a few weeks ago for the use of White's Pond for the Town's summer swim program.

New England Research Center, Inc. - Temporary Trailer

It was on motion by Selectman Cossart unanimously

VOTED: To approve an extension of the Board's vote of June 24, 1980, to allow the use of one temporary trailer by New England Research Center, Inc., located at Longfellow Center, 30-54 Boston Post Road, for one additional year, as requested in a communication dated May 12, 1981.

Lease - Fairbank School/Lincoln-Sudbury Regional School District (LSRSD)

The Board approved a lease, which had been prepared and approved, and submitted to the Board under cover letter of May 12, 1981, by the Sudbury School Committee, for the use of the Fairbank School by the LSRSD for the 1981-82 school year. It was noted that the LSRSDC had not yet reviewed the lease.

It was on motion by Selectman Cossart unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to sign the above-mentioned lease subject to execution by the LSRSDC in its present form.

Minutes

It was on motion by Chairman Donald unanimously

VOTED: To approve the minutes of the Regular and Executive Sessions of May 11, 1981, as drafted.

Current Items of Interest

Property Tax Revaluation - Relative to an inquiry to Selectman Cossart, dated April 10, 1981, from Judy Mack regarding certain revaluation figures on various Town properties, the Executive Secretary submitted to Selectman Cossart a report of those properties in question, prepared by the Building Inspector, in conjunction with the Board of Assessors. Selectman Cossart directed the Executive Secretary to forward copies of said report to both Chairman Donald and Selectman Murray, and to forward Mrs. Mack a follow-up letter.

Police Station Change Order #6 - Responding to Selectman Cossart, Mr. Thompson stated that we have not yet received a fully executed police station change order #6, and that he would follow this up with the Permanent Building Committee member Michael Melnick and report back to the Board.

Heritage Park - On the recommendation of the Executive Secretary it was on motion by Selectman Cossart unanimously

VOTED: To expend up to \$1,500 from the Heritage Park fund for the purpose of a summer maintenance project at Heritage Park, to be done under the supervision of an elderly person with gardening expertise.

Mr. Thompson stated that there is currently a balance in the account of \$3,250.

Transportation for Fort Devens Band - On the recommendation of the Executive Secretary it was on motion by Selectman Cossart unanimously

VOTED: To expend the necessary amount of money to hire a bus to transport the Fort Devens Band for their participation in the Town of Sudbury Memorial Day Parade; said amount to be expended from the Memorial Day Committee budget - the balance to be paid from the Surveys and Studies account.

Auxiliary Police Force - Mr. Thompson referenced a communication dated May 14, 1981, from Harold R. Cutler to the Sudbury Finance Committee urging it to reverse its vote which gave a low priority to the Auxiliary Police force for the upcoming fiscal year.

Additionally, Mr. Thompson called the Board's attention to a telephone request from suspended Auxiliary Police Officer John Sklenak for a meeting with the Selectmen and the six other suspended officers on June 1 or 8. The Executive Secretary was directed to schedule such a meeting.

License Application - Aubrey Dingley, 684 Boston Post Road

Present: Aubrey Dingley, Applicant; Fire Chief Josiah F. Frost; and Building Inspector Joseph E. Scammon.

In consideration of an application dated May 13, 1981, from Aubrey Dingley, 105 East Main Street, Northboro, for a Second Class License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts Thereof, to be exercised on property located at 684 Boston Post Road, Executive Secretary Richard E. Thompson noted receipt of the following communications:

- from the Fire Chief dated May 14, 1981, stating no objection to the issuance of said license;

- from Town Counsel's office dated May 15, 1981, explaining that a license of this type can only be issued if the buying or selling of second-hand motor vehicles is the principal business, and, therefore, a special permit from the Board of Appeals and an approved site plan would be required. A special permit would be required for either an extension of a non-conforming use or for a new activity. However, an occasional purchase, repair and sale of a used truck or car at the premises would require neither a Second Hand Motor Vehicle license, nor a site plan and special permit, since this is a pre-existing non-conforming use; and

- from the Building Inspector/Zoning Enforcement Agent dated April 29, 1981, questioning whether or not the occasional sale of vehicles from the premises requires a Board of Appeals permit, and expressing his opinion that it would not.

Assistant Town Counsel stated that Mr. Dingley's license could be conditioned as to the number of vehicles to be located on the premises.

During discussion and questioning, Mr. Dingley said that he plans to sell trucks and cars which he buys at auctions, and that he really will not be sure how many cars he might have on the premises at a time. Mr. Dingley stated that presently he is using the garage as a repair garage for cars, trucks and equipment, and that it has been a repair shop since back in the thirties, and perhaps before that. The Fire Chief was present and later stated that he could confirm that it had been a repair shop for as long as Mr. Dingley indicated. Mr. Dingley told the board that his taxes on that property have been recently reassessed from \$28,000 to \$96,000, and he needs to have more revenue from the property now. Additionally, Mr. Dingley said that the Registry of Motor Vehicles had told him in the past that he needed a license from the Town in order to buy and sell motor vehicles. Assistant Town Counsel later stated that they probably will not be concerned unless the number bought and sold exceeded ten per year. Assistant Town Counsel and the Building Inspector concurred that the proposed used car lot would require Board of Appeals action.

Mr. Thompson pointed out that this license would not be transferrable.

Assistant Town Counsel pointed out that the real problem is determining whether or not the activities proposed exceed the non-conforming use; and if so, a special permit would be required through the Board of Appeals. Mr. Dingley expressed his concern that, in going before the Board of Appeals, he would lose his non-conforming use privileges.

The Executive Secretary explained that he would not lose the non-conforming use, but that the Board of Appeals could condition it. The Building Inspector added that no one is questioning his repair aspect of the business. The Building Inspector pointed out that the local bylaws addressed the aspect of abandonment by stating that a 3-year abandonment of a business lapses the non-conforming use. Mr. Dingley stated that the business had not been abandoned for any 3-year period, but that there may have been less business at one time or another.

During further discussion there was a consensus that Mr. Dingley's application was not as casual in respect to the number of cars to be transferred or located on the premises as originally indicated, and that, although the Selectmen felt they would like to accommodate Mr. Dingley, it appeared that it would be necessary for him to go through the Board of Appeals and a site plan process.

At the conclusion of discussion it was on motion by Selectman Cossart unanimously

VOTED: To take under advisement for the next two weeks the above-mentioned application for further review and clarification from Town Counsel; consideration of the same to be continued June 8, 1981.

Chairman Donald recessed the meeting at 8:30; the meeting was called back to order at 8:45 p.m.

Dudley Road Traffic and Safety Problems

Present: Town Engineer James V. Merloni; Fire Chief Josiah F. Frost; Building Inspector Joseph E. Scammon; and approximately 24 abutters.

Chairman Donald opened a public hearing for discussion of the Town Engineer's report and recommendations, dated April 7, 1981, relative to traffic and safety problems on Dudley Road.

Executive Secretary Richard E. Thompson noted that the public had been notified that copies of the Town Engineer's report were available in the Selectmen's office and the Library upon request prior to tonight's meeting.

Town Engineer James V. Merloni paraphrased his report explaining that he had prepared two alternate plans showing cul-de-sacs, one 400' and the other 50' apart, separating Dudley Road into two portions. Mr. Merloni stated that upon further consideration, his opinion now is that by creating these cul-de-sacs we would be opening a Pandora's box, since there are several other roads, used as cut-throughs, which can be compared to Dudley Road. The two alternate plans for the cul-de-sacs varied in price from \$14,000 to \$15,000. The Town Engineer concluded by saying that this would not be a fair and justifiable solution Town-wide. Mr. Merloni suggested that a layout plan of Dudley Road be prepared by his Department and brought to the next annual or special town meeting for acceptance. This layout would be the official plan of the Road and would show such things as, location of utility poles, trees, driveways and homes, and could be used for any future widening or relocation of Dudley Road. Mr. Merloni commented that we could have a reasonably safe roadway (Dudley Road) without taking down too many trees, and that it deserves a good hard look.

Mr. Steve Bankuti of 66 Dudley Road stated how difficult it is to collect his mail from his mailbox on Dudley Road because of the hazardous traffic situation. Mr. Bankuti also commented that the traffic line, recently painted by the Highway Department on Dudley Road, in his opinion, creates faster travelling. Mr. Bankuti said that when a child is killed on the road it will be too late to deal with the traffic problems.

Mr. Thompson stated that the Highway Surveyor would have been present tonight, except that he had another commitment. However, the Highway Surveyor had indicated to Mr. Thompson that the newly painted lines on Dudley Road - and other Sudbury roads - are a distinct advantage to drivers.

Mr. David Owen of 78 Dudley Road agreed that it is very difficult to get his mail, that he yells at passing cars to slow down, that his stone wall had been destroyed, and that Police patrol should be continued. Mr. Rich said that Dudley Road should not be compared to roads which are longer.

Mr. Richard Vanderslice of 96 Dudley Road said that there have been several accidents on Dudley Road and he is afraid if the trees are cut down, traffic will go faster. There seemed to be a general consensus of abutters that the trees on Dudley Road are used for protection to their properties.

Mr. Kenneth Brink of 7 Adams Road asked how much an as-built plan would cost, and if it would determine which trees to be cut down. Mr. Merloni said that an as-built or layout plan would give the location of existing trees and that, as it would be done in-house there would be no additional cost. Mr. Merloni stated that it has not been determined whether this project would have a high priority or be a fill-in job. Mr. Brink questioned whether cost was a real factor in correcting this problem, and expressed his opinion that neither cul-de-sacs nor widening or cutting down trees were a solution.

Mr. Thompson noted that Boston Edison is not willing to move any of their poles which are very close to the road unless the Town can submit a street layout. This is another reason why it is so important for the Town Engineer to proceed with an as-built plan.

Mrs. Bonnie Fredman of 92 Dudley Road asked how much it would cost to widen the road. Mr. Merloni explained the many variables involved in a widening project and estimated a cost of approximately \$100 per foot to reconstruct Dudley Road.

Mr. Steven Rich pointed out the comparison between \$15,000 for the proposed cul-de-sacs versus \$100,000 for reconstruction/widening.

Mr. Ralph Hawes of 27 Highland Avenue stated his opinion that no real good judgment was made in proposing cul-de-sacs. It was his opinion that Police enforcement was the answer to the speeding on Dudley Road, and commented that he had offered the use of his property to the Police Department for radar patrol.

Mr. Edward Kreitsek of 59 Dudley Road stated that mailboxes are continually having to be rebuilt along Dudley Road. It was Mr. Kreitsek's opinion that making Dudley Road wider or straighter will accommodate fast traveling as on Route 20, and he discouraged any serious consideration of the same. Mr. Kreitsek stated that proper enforcement of the speed limit would be the best approach, adding that cul-de-sacs would be a questionable solution and widening would be the real Pandora's box.

The Town Engineer stated that the road is presently unsafe. Comparing the road to Fairbank Road, basically being the same length, having the same amount of traffic, children, etc., Mr. Merloni justified his opinion that there are other roads in Town with the same problem.

Mrs. Fredman suggested stop signs along Dudley Road at intersecting roads. The Town Engineer confirmed the general opinion that the State would only approve stop signs on streets intersecting the throughway, not on the throughway. Mrs. Fredman also suggested that the stop sign on Dudley Road, approaching Route 20, is too far back. Mr. Merloni stated that he could not speak for the Highway Surveyor but generally speaking he felt it had been placed that way so that cars would have time to stop and edge up into the traffic on Route 20.

Another abutter compared the price of cul-de-sacs and widening the road, adding that 24-hours-a-day, 7-days a week, Police coverage would cost \$150,000 yearly which is unrealistic, but necessary if the road remains the same.

There seemed to be a consensus of abutters that widening the road would not make it safer or slow down traffic. Selectman Cossart stated that, from the standpoint of the Town Engineer, in terms of making the road safer, certain recommendations have been made, which will not necessarily slow down traffic. The net effect, however, will make the road safer. Selectman Cossart agreed that Police enforcement would be the best remedy; however, it would not be realistic to assume that there would be 24-hour Police patrol.

Mrs. Fredman suggested that the road be seasonally barricaded. Being a public way, Mr. Merloni deferred the question to Town Counsel, for an opinion on closing off a public way. Mrs. Fredman later suggested making the road one-way during certain times of the day.

Mr. John Dement of 84 Dudley Road asked about the Town Meeting procedure concerning the presentation of the layout plan. Selectman Cossart stated that the cost and alternatives would be presented and the options explained.

Mr. Kreitsek commented that making the road one-way would enable cars to travel two abreast. Mr. Kreitsek agreed with another abutter's comment that the road is not being abused by local residents.

Mrs. MaryAnn Clark of 118 Nobscot Road expressed her opinion that the entrances to Dudley Road should be reconstructed at more of a right angle to cut down speeding. The Town Engineer stated that this would require possible land taking for abutter(s). The Selectmen suggested that the Town Engineer pursue this possibility.

On the suggestion of Mr. Rich, Chairman Donald asked for a vote of those abutters present which showed the majority favoring the proposed cul-de-sacs, rather than a widening.

At the conclusion of discussion, the Board concurred that the Town Engineer should give priority to the preparation of a street layout plan for Dudley Road.

Chairman Donald thanked everyone for attending tonight's meeting.

Use of Community Signs

It was on motion unanimously

VOTED: To approve the use of the two community signs, located at the Route 20 and Route 117 Fire Stations, by the League of Women Voters to announce the convening of Town Meeting, as requested by the League, in a communication dated May 18, 1981, subject to Sign Review Board approval.

Adjourned Annual Town Meeting Notice

The Board approved, with a cover correction, a drafted notice to be mailed to all households concerning the adjourned Annual Town Meeting, and the Executive Secretary stated a cost of \$447.20 for mailing the same. (Mr. Thompson to give the Board the bulk mailing rate figures.)

Chairman Donald directed the Executive Secretary to find out, and report back to the Selectmen, if and how a presentation will be made by the Town Facilities Committee at the Annual Town Meeting.

Selectmen's Meetings

It was on motion unanimously

VOTED: To set the time and place of the Selectmen's meetings during the Annual Town Meeting and on June 22, 1981, as follows:

Monday, June 15 at 7:00 p.m. at the Lincoln-Sudbury Regional High School Library; Tuesday and Wednesday, June 16 and 17 at 7:30 p.m. at said Library; and Monday, June 22, beginning at 7:00 p.m. at the Loring Parsonage and continuing at 7:30 p.m. in the lower Town Hall.

Annual Appointments

It was on motion by Chairman Donald

VOTED: To make the following annual appointments:

-Joseph E. Scammon as Inspector of Buildings, for a term to expire April 30, 1982;

-Earl Midgley as Deputy Building Inspector, for a term to expire April 30, 1982;

-F. Jacob Zagata as Deputy Building/Zoning Inspector, for a term to expire April 30, 1982;

-Josiah F. Frost as Director of Civil Defense, for a term to expire April 30, 1982;

-Robert A. Noyes as Assistant Director of Civil Defense, for a term to expire April 30, 1982;

-Marvis M. Fickett as Civil Defense Radio Operator, for a term to expire April 30, 1982;

-Paul J. Leahy and Donald R. Oasis to the Council on Aging, for terms to expire April 30, 1982;

-Betsy M. DeWallace as Dog Officer, for a term to expire April 30, 1982;

-Donna C. Mahlowitz as Assistant Dog Officer, for a term to expire April 30, 1982;

-Richard E. Thompson as Executive Secretary, for a term to expire April 30, 1982;

-Selectman Anne W. Donald, William J. Cossart and John E. Murray as Fence Viewers, for a term to expire April 30, 1982.

-Josiah F. Frost as Fire Chief, for a term to expire April 30, 1982;

-Josiah F. Frost as Forest Warden, for a term to expire April 30, 1982;

-John C. Powers and Winifred C. Fitzgerald to the Sudbury Historical Commission, for terms to expire April 30, 1984;

-Richard E. Thompson as Town Agent to the Industrial Accident Board, for a term to expire April 30, 1982;

-Richard W. Murphy, Esquire as Labor Relations Counsel, as the Board of Selectmen's agent for bargaining purposes for Fiscal 1982;

-Nicholas Lombardi as Keeper of the Lockup, for a term to expire April 30, 1982;

-James R. Becker, Jr., to the Long Range Capital Expenditures Committee, for a term to expire April 30, 1984;

-Clifford J. Hughes as Massachusetts Bay Transportation Authority Designee, for a term to expire April 30, 1982;

-Robert Gottberg to the Operational Review Committee, for a term to expire April 30, 1982;

-Michael E. Melnick to the Permanent Building Committee, for a term to expire April 30, 1984;

-Cornelius S. Hickey and Stephen M. Golder to the Personnel Board, for terms to expire April 30, 1984;

-Samuel L. Reed as Pound Keeper, for a term to expire April 30, 1982;

-Robert A. Noyes as Sanitary Landfill Agent, for a term to expire April 30, 1982;

-G. Burton Mullen and Barbara F. Pryor to the Sign Review Board, for terms to expire April 30, 1984;

-Robert A. Noyes as Street Lighting Agent, for a term to expire April 30, 1982;

-Robert A. Noyes as Superintendent of Cemeteries, for a term to expire April 30, 1982;

-Selectman Anne W. Donald as Representative to the Sudbury Public Health Nursing Association, for a term to expire April 30, 1982;

-Ralph W. Stone as Surveyor of Lumber & Measurer of Wood, for a term to expire April 30, 1982;

-John H. Wilson as Town Accountant/DFA, for a term to expire April 30, 1982;

-Paul L. Kenny, Esquire as Town Counsel, for a term to expire April 30, 1982;

- James V. Merloni as Town Engineer, for a term to expire April 30, 1982;

-Melvyn W. Kramer, John D. Nicholson and Z. Stanley Taub as Town Physicians, for terms to expire April 30, 1982;

-Cletus A. Terwiske, William A. Burns, Col. Paul J. Leahy, Thomas F. McDonough and Catherine B. Greene, to the Veterans Advisory Committee, for terms to expire April 30, 1982;

-Col. Paul J. Leahy as Veterans' Agent and Director of Veterans' Services for a term to expire April 30, 1982;

-Col. Paul J. Leahy as Veterans Graves Officer, for a term to expire April 30, 1982;

-Warren E. Boyce as Wiring Inspector, for a term to expire April 30, 1982;

-Arthur J. Richard as Deputy Wiring Inspector, for a term to expire April 30, 1982;

-Joseph E. Scammon as Zoning Enforcement Agent, for a term to expire April 30, 1982;

-Joseph D. Bausk, Joseph J. Bisson, Jr., Armando S. Troisi, Robert E. Hall, and Raymond J. Spinelli, Sr., as Special Constables, Paid Detail, for terms to expire April 30, 1982;

-Josiah F. Frost, Earl Midgley, Warren E. Boyce and Joseph E. Scammon as Special Constables, Non-Paid, for terms to expire April 30, 1982;

-Robert A. Clark and William Kleiner as Special Constables, Non-Paid, for Protection of Persons and Property at Sperry Research Center, for terms to expire April 30, 1982;

-Robert Hatfield, Everett Mitchell, Ernest Russo, Robert V. Goudey, Stephen F. Averett, Brian Stetson, and Wayne M. Howard as Special Constables, Non-Paid, for Traffic Duty Only at Raytheon, for terms to expire April 30, 1982;

-Chester Rafus and Richard E. Santella as Special Constables, Non-Paid, for Protection of Persons and Property at the Regional High School, for terms to expire April 30, 1982;

-Paul D. Williamson as Special Constable, Non-Paid, for Traffic Duty Only, at the Loring School, for a term to expire April 30, 1982;

-Helen Nadeau, Cesare Abate and Ronald Fullen as Police Crossing Guards at Sudbury Center, Nixon School and Noyes School, respectively, for terms to expire April 30, 1982; and

-Allan C. Houghton as Special Police Officer, for a term to expire April 30, 1982.

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