

IN BOARD OF SELECTMEN  
MONDAY, NOVEMBER 23, 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.

Selectmen's Submission - 1982-87 Capital Improvement Program

It was on motion by Chairman Donald unanimously

VOTED: To approve the Board's submission to the Long Range Capital Expenditures Committee for the 1982-87 Capital Improvement Program, as prepared by the Executive Secretary under date of November 16, 1981.

House 7336 - Community Residence Facilities

The Board acknowledged receipt of information regarding House Bill #7336 from the Executive Secretary, requested at its meeting of November 16, and, following a brief explanation by the Executive Secretary, it was on motion by Chairman Donald unanimously

VOTED: To direct the Executive Secretary to forward a letter to Representative Lucile Hicks and Senator Chester Atkins, indicating the Board's support of House Bill #7336, an act relative to the establishment of community residence facilities.

MBTA Assessment

The Board acknowledged receipt of a communication dated November 16, 1981, from Marshfield Board of Selectmen Chairman Frank M. Hynes requesting Sudbury's attendance at a meeting on December 9 at the State House to discuss the MBTA assessment with other cities and towns which receive no service or service disproportionate to their assessments.

Chairman Donald expressed her willingness to attend.

It was also suggested that Mr. Clifford J. Hughes, Massachusetts Bay Transit Authority Designee, might be interested in attending this meeting. The Executive Secretary was directed to contact him accordingly.

Chairman Donald directed the Executive Secretary to respond to Mr. Hynes' letter that Sudbury would be represented at said meeting.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of November 16, as drafted, and the minutes of the Executive Session of that date, as amended.

Meeting with Town Treasurer

Present: Town Treasurer Chester Hamilton.

During a brief meeting with Town Treasurer Chester Hamilton, Mr. Hamilton told the Board that there was no need at this time for temporary, short-term borrowing because collections on the November tax bills are coming in above estimates, and there are a few expenses which can be deferred. (The Board, at its meeting of November 16 had authorized the Town Treasurer, at his request, to investigate the possibility of temporary, short-term borrowing in order to meet expected expenses.

Current Items of Interest

November 9 Meeting

On the recommendation of John C. Powers, Chairman of the Historical Commission, it was on motion unanimously

VOTED: To amend a portion of the Regular Session minutes of November 9, 1981, concerning the discussion with the Historical Commission.

Donation - Council on Aging

It was on motion by Selectman Murray unanimously

VOTED: To accept, on behalf of the Town, a donation (being the proceeds of a Council supper) in the amount of \$62, to the Council on Aging.

Communication - Something Simple

The Board reviewed a communication, dated November 19, from the owners of the Something Simple restaurant and agreed that, in order to consider their request for a change in hours, a public hearing should be held (because of the many concerns voiced at the initial hearing) with at least seven days notice to abutters.

The Executive Secretary was directed to schedule the same accordingly.

Barton Preservation Restriction

On the recommendation of Town Counsel Paul L. Kenny, it was on motion unanimously

VOTED: To execute two Agricultural Preservation Restrictions Agreements (between the Trustees of the Massachusetts Farm and Conservation Lands Trust and the Commonwealth of Massachusetts), one for the Barton I parcel containing approximately 20.7 acres of land, as shown on a plan entitled, "Plan of Proposed Town of Sudbury Conservation Lands in Sudbury, Massachusetts", dated September 21, 1981, revised November 12, 1981, by Schofield Brothers, Inc., in the amount of \$60,350, and the other for the Barton II parcel, containing approximately 17.3 acres, as shown on a plan entitled, "6 Lot Layout Plan, Barton Property Sudbury, MA", revised November 12, 1981, by Schofield Brothers, Inc., Framingham, Ma., in the amount of \$140,000, and accompanying Co-holder Agreements (between the

Commonwealth of Massachusetts and the Town of Sudbury), one for each parcel, subject to clarification and final approval by Town Counsel;

and it was further

VOTED: To authorize the Chairman of the Board of Selectmen to execute, on behalf of the Town, the above-mentioned documents. (A certified copy of this vote to accompany the Agricultural Preservations Restriction.)

At 8:00 p.m. the Board tabled current items of interest in order to hold the Town Fathers Forum. Following the Town Fathers Forum the following current items were discussed.

#### Council on Aging Christmas Party

Mr. Thompson informed the Board of the Council on Aging's Christmas party, to which the Board is invited, on Tuesday, December 15, at the Wayside Inn at 2:15 p.m.

#### Communications

The Board acknowledged receipt of the following communications:

- dated November 13 from Forrest D. Bradshaw concerning grave vaults. The Board directed the Executive Secretary to forward a copy of the same to Highway Surveyor Robert A. Noyes, requesting a response from him;

- dated November 17, 1981, from the Chief of Police, approving the appointment of Douglas Lewis as a Special Police Officer;

- dated November 17, 1981, from Town Moderator J. Owen Todd, suggesting that Sudbury consider adopting some changes relative to Town Meeting procedures; said ideas were discussed at the annual meeting of the Massachusetts Moderator's Association. The Board directed the Executive Secretary to schedule a meeting with Mr. Todd within the next two weeks to discuss the same; and

- from Thomas H. Doyle and Janet L. Costa of Haynes Road, and response from Juvenile/Safety Officer William B. Carroll, dated November 13 and November 17, respectively, dealing with traffic safety on Haynes and Marlboro Roads. Being that there were specific suggestions (i.e., use of traffic signs) made by Officer Carroll, the Board directed the Executive Secretary to forward copies of these communications to Highway Surveyor Robert A. Noyes for a response from him. The Board supported the recommendations made by Officer Carroll.

#### Christmas Tree Sales

At the suggestion of Mr. Richard Brooks that the Board of Selectmen may not have treated various individuals and/or groups with equity regarding the procedure for the public sale of Christmas trees, and during a lengthy discussion, Town Counsel explained that there is no simple answer which would apply to everyone because of the many variables; i.e., zoning regulations, special permits issued by the Board of Appeals, business versus personal sales, etc.

The Selectmen decided that they should try to resolve the matter with Town Counsel and the Building Inspector. Selectman Cossart suggested that perhaps the Selectmen should not disallow any Christmas tree sales at this point in time, but to resolve the matter as soon as possible with notification by July 1, 1982, of the procedure for Christmas tree sales for the 1982 season.

#### Cable Television

At the suggestion of Selectman Murray, the Board directed the Executive Secretary to schedule a meeting with Mr. William C. Henchy, Vice President of Adams/Russell an electronics company, to discuss cable television for Sudbury. Mr. Thompson referenced the material he had supplied to the Selectmen from the State Executive Office for Consumer Affairs, Community Antenna Television Commission, dated November 21, 1979, for their review prior to their meeting with Mr. Henchy.

Responding to an interested citizen, Town Counsel stated that the cable company would have to pay to the Town a user fee for each subscriber.

#### Board of Assessors

Selectman Cossart stated that, relative to the recent disclosures regarding certain actions by the Board of Assessors, he would continue to pursue the matter personally with the Assessors, and that, he would send a letter to each member addressing his concerns.

#### Proclamation Presentation

Selectman Cossart informed the Board that this past weekend, he had personally presented Mr. Roger Allan Bump the proclamation, signed by the Board on November 2, congratulating Mr. Bump for his twenty-five years in the field of broadcasting and community service.

#### Utility Petition #81-15 Brimstone Lane

Responding to Selectman Cossart, Mr. Thompson stated that a public hearing had been tentatively scheduled for December 7 dealing with Utility Petition 81-15, Brimstone Lane, continued from November 16, and that he is making every attempt to have representatives of Boston Edison and the Telephone Company present, as the Board had requested.

#### Recall Provision

At the suggestion of Selectman Cossart, the Board directed the Executive Secretary to investigate for some future Annual Town Meeting - probably not the 1982 Annual Town Meeting because of the December deadline for article submission - an article dealing with a recall provision. Mr. Thompson stated that, based on lack of recommendations from both the League of Women Voters and the Committee on Town Administration, in the past, the Board had not asked Town Counsel's office to draft an article dealing with a recall provision, although there had been some discussion on the idea. Mr. Thompson suggested that the League observer, Mrs. Peggy Binder, who was present, follow this up and question the League as to whether they had any current position on the subject.

Simon Case (Dog Hearing 8/17/81)

Mr. Thompson informed the Board that, following the Board's decision of September 14 that Mrs. Kenneth B. Simon remove her German Shepherd dog from the Town of Sudbury, either by finding a new home for the dog or having the dog destroyed, Mrs. Simon had appeared before the magistrate in district court, who agreed with the Selectmen's decision. Mrs. Simon is now appealing to a District Court judge.

Mr. Thompson stated that Mrs. Simon recently brought to the office, ten supportive letters from her neighbors, and indicated a desire to have another hearing before the Board.

At the conclusion of the Selectmen's meeting the following item was discussed:

Assessors

Following a discussion relative to the numerous telephone calls and letters received by the Selectmen regarding the recent bad publicity surrounding actions by the three Town Assessors, it was agreed that a public meeting should be scheduled with the Assessors and the Board of Selectmen. Mr. Thompson stated that he would schedule a meeting as soon as possible.

Town Fathers Forum

At 8:00 p.m. Chairman Donald convened the 142nd Session of the Town Fathers Forum, a copy of which is attached and made a part of these minutes.

Site Plan #81-237 Ti-Sales, 36 Hudson Road

Present: Lawrence and Peter Tighe of Ti-Sales.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan Application #81-237 of Lawrence W. and Edna S. Tighe, of Ti-Sales, for property known as 36 Hudson Road, Business District #7, for an expansion to the existing building.

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

- from the Planning Board, dated November 16, 1981, recommending approval, provided the plan is amended to conform with the zoning regulations;

- from the Conservation Commission, dated November 20, 1981, expressing no concern;

- from the Board of Health, dated November 19, 1981, recommending approval as per plan submitted;

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

- from the Building Inspector, dated November 20, 1981, recommending conditional approval.

Mr. Thompson further stated that Mr. Burt Mader called on November 13, 1981, to say that he could not be present and to express his support of the application.

Responding to Selectman Murray, Mr. Lawrence Tighe stated that there will be no additional load on the existing septic system with the proposed addition (one concern of the Town Engineer).

With respect to the concerns of the Town Engineer, the Building Inspector, (and the Planning Board): 1) that only a 17'8" side yard set-back is proposed instead of the 20' local requirement where business-zoned property abuts residential land; and 2) that the proposed rear portion of the loading docks and outside storage will be located in a residential portion of the property, which is in violation of the Town zoning By-law, and during a lengthy discussion, the following comments were made:

1) Mr. Thompson stated that there are no pre-existing, non-conforming regulations which would apply to the property.

2) A 2/3 vote of Town Meeting would be required for a zoning change - to use a business application in a residential zone.

3) Town Counsel stated that a variance would be required from the Zoning Board of Appeals to allow the 17'8" set-back, rather than the required 20', as well as one to allow the suggested business use in the residential zone. Town Counsel stated that a variance is transferrable if the property is sold but only for the "type of use" specified.

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

VOTED: To approve Site Plan #81-237 of Lawrence W. and Edna S. Tighe of Ti-Sales, for property known as 36 Hudson Road, Business District #7, as shown on a plan entitled, "Site Plan for L.S.Tighe, 36 Hudson Road, Sudbury, Mass.", dated October 16, 1981, revised November 9, 1981, subject to resolution of the Building Inspector's and Town Engineer's concerns, as noted above, and listed in their communications of November 20 and 16, respectively, and further subject to obtaining necessary variances or permits from the Board of Appeals.

#### Annual License Renewals

The Board reviewed a list of local yearly license renewals and related communications:

- two communications from the Building Inspector, both dated November 20, 1981, approving all annual inspections for renewal of licenses, with the exception of Wayside Package Store, 119 Boston Post Road, because of outside litter;

- from the Board of Health, dated November 13, 1981, stating that Pacific Gate Restaurant and Pizza Alla Pietra are not in compliance with the Sanitary Code, and that all violations are to be corrected prior to issuance of their 1982 licenses;

(The above communications also held approval of Winchester's of Sudbury, pending final inspection upon completion of renovations.)

- from the Fire Department, dated November 12, 1981, citing the following establishments as not being in compliance with public safety requirements and the reasons why: Pizza Alla Pietra, Pacific Gate Restaurant, 99 Restaurant and Ephraim's Restaurant.

Selectman Cossart stated that he would like to have a recommendation from the Police Chief before renewing Sudbury Variety's licenses, especially their package store wine and malt license, due to a series of minor violations by the licensee this past year.

Additionally, at the suggestion of Selectman Cossart, the Board agreed to hold all used-car licenses Class II and III, pending information from the Building Inspector regarding the condition of each license related to the number of allowed vehicles on the property.

Unrelated to the matter of annual license renewals, Selectman Cossart asked the Building Inspector to review his files regarding the property located at the corner of Dudley Road and Route 20, questioning whether or not a license/permit of any kind is necessary for the sports/clothing store business presently located there.

Additionally at the direction of Selectman Murray, the Executive Secretary stated that he would inform Mr. Wagoner of Ephraim's Restaurant that he should discontinue his practice of valet parking in the Town Hall parking lot, since permission had neither been requested nor granted for the same.

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

VOTED: To renew the following licenses and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission, where applicable, for approval; said licenses shall be held until payment of fees, as required:

Colonial Spirits	Package Store All-Alcoholic Beverages
MacKinnon's Liquors	Package Store All-Alcoholic Beverages
Meat King, Inc.	Wine & Malt Package Goods
Sudbury Farms	Wine & Malt Package Goods
Winchester's of Sudbury	Restaurant All-Alcoholic Beverages Common Victualler Weekday Entertainment
Kaffe Stuga	Restaurant All-Alcoholic Beverages Common Victualler Weekday Entertainment
Sudbury House	Restaurant All-Alcoholic Beverages Common Victualler Weekday Entertainment Weekday Automatic Amusement Devices

Wayside Inn	Restaurant All-Alcoholic Beverages Common Victualler Weekday Entertainment
Ye Olde 117 House	Restaurant All-Alcoholic Beverages Common Victualler Weekday Entertainment
Bullfinch's Inc.	Restaurant All-Alcoholic Beverages Common Victualler Weekday Entertainment
Something Simple	Restaurant Wine & Malt Beverages Common Victualler Weekday Entertainment
American Legion #191	Club All-Alcoholic Beverages Common Victualler Weekday Entertainment Weekday Automatic Amusement Devices
Brigham's	Common Victualler Weekday Entertainment
Friendly's	Common Victualler Weekday Entertainment
Marrone's Bake Shop	Common Victualler
Paul Joseph Restaurant	Common Victualler
Sudbury Bowladrome	Common Victualler Weekday Entertainment Weekday Automatic Amusement Devices
Dairy Queen	Common Victualler
Sudbury Drug Store	Common Victualler
Sudbury Pizza	Common Victualler

Winchester's of Sudbury's license is subject to final inspection by the Building Inspector, the Board of Health, and the Fire Chief.

And it was further

VOTED: To hold the following licenses until final approvals are received from the Fire Chief, the Board of Health and the Building Inspector, as noted in the above-mentioned communications, and pending clarification, from the Building Inspector, as requested above, regarding used-car licensees:



Wayside Package Store;  
Sudbury Variety;  
Ephraim's of Sudbury;  
99 West, Inc.;  
Pacific Gate Restaurant;  
Pizza Alla Pietra;  
Colonial Auto Body of Sudbury;  
Moshier Auto Body;  
Robert E. Lohnes; and  
Steves Auto Body.

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