

IN BOARD OF SELECTMEN
MONDAY, SEPTEMBER 14, 1981

Present: Chairman Anne W. Donald, John E. Murray 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 Donald.

Utility Petitions #81-12 and 81-13, Old Lancaster and Station Roads

Present: Edward Kelly, Boston Edison Company.

In conformity with General Laws, Chapter 166, sections 21 and 22, the Board considered the joint Utility Petitions of the Boston Edison Company and the New England Telephone and Telegraph Company, as follows:

UP#81-12 for permission to lay and maintain, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, under the following public way or ways of the Town:

Old Lancaster Road, at and easterly from Wildwood Lane, a distance of about 33 feet - conduit; and

UP#81-13 for permission to erect or construct, and a location for, poles, and such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line, to be used in common by them, along and across the following public way of the Town:

Station Road, northeasterly side from a point approximately 109 feet northwest of Boston Post Road, Two (2) poles.

Executive Secretary Richard E. Thompson reported that all appropriate Town officials and abutters had been notified, and that a favorable report had been received jointly for each petition from the Wiring and Building Inspectors, dated August 27 and September 10, 1981, respectively.

Following a brief explanation of the utility petitions by Mr. Edward Kelly of Boston Edison Company. it was on motion by Selectman Murray unanimously

VOTED: To approve Utility Petitions #81-12 and #81-13 of Boston Edison Company and New England Telephone and Telegraph Company, as described above, and as shown on plans entitled, "Plan of Old Lancaster Rd. - Sudbury", of Boston Edison Company, dated July 20, 1981, "Plan for Proposed Conduit Location to Accompany Petition of New England Telephone and Telegraph Company", dated August 19, 1981, and "Private Property and Plan of Station Rd., Sudbury, Showing proposed pole locations", dated June 24, 1981, respectively.

Tax Anticipation Notes

Present: Jean M. MacKenzie, Assistant Town Clerk.

It was on motion by Selectman Murray unanimously

VOTED: To sign Tax Anticipation Notes in the amount of \$2,000,000, effective September 23 and due December 15, 1981, as requested by the Town Treasurer in a communication dated September 11, 1981, as follows:

State Street Bank and Trust Co.	8.80%	200M
Bay Bank Middlesex	8.97%	500M
Boston Safe Deposit & Trust Co.	9.02%	200M
State Street Bank and Trust Co.	9.15%	300M
Bay Bank Middlesex	9.24%	500M
Old Colony Bank & Trust Co.	9.34%	150M
State Street Bank and Trust Co.	9.45%	150M

Sudbury Citizens' Advisory Committee

The Board acknowledged receipt of a communication dated August 24, 1981, from the Metropolitan District Commission to Robert S. Wenstrup, Chairman of the Sudbury Citizens' Advisory Committee, defining membership, function and the relationship of the SCAC relative to the MDC's Sudbury Reservoir Treatment Plan and the Sudbury River Diversion project, and following a brief discussion, it was on motion by Selectman Murray unanimously

VOTED: To designate H. Rebecca Ritchie as Sudbury's official representative, and Board of Selectman Chairman Anne W. Donald as alternate, to the SCAC, and to request in addition an at-large member from Sudbury, and to notify Dr. Wenstrup accordingly.

UP#81-14, Pole 66/20, Old Lancaster Road

The Board acknowledged receipt of a notice, Utility Petition #81-14, dated August 14, 1981, of removal and abandonment of the location of Pole 66/20 on Old Lancaster Road by the Boston Edison Company and New England Telephone and Telegraph Company.

Town Hall Pianos

Following review of an August 31, 1981, note from Administrative Secretary Janet Silva regarding two estimates of repair/value of the Town Hall pianos - a grand piano in the upper Town Hall (both companies stated that it was not worth repairing), and a piano in the lower Town Hall and on the recommendation of Mrs. Silva, it was on motion by Selectman Murray unanimously

VOTED: To accept the verbal offer from David C. Kunz, Harpsichord & Piano Service, 134 Glen Street, Marlboro, to repair the piano in the lower Town Hall in exchange for his receiving the grand piano.

Dues - Middlesex County Advisory Board

Following review of a communication dated September 4, 1981, from the Middlesex County Advisory Board, it was on motion by Selectman Cossart unanimously

VOTED: To authorize the payment of \$84.38 from the Surveys and Studies Account #501-81 for Middlesex County Advisory Board dues for Fiscal Year 1981-82.

Temporary License, Wine and Malt - Our Lady of Fatima

It was on motion by Selectman Murray unanimously

VOTED: To approve a temporary license for the sale of wines and malt beverages only, to be issued to Ronald J. Griffin, Our Lady of Fatima Parish, for one day only, September 19, 1981, from 10:00 a.m. to 4:30 p.m. for their parish fair at 160 Concord Road, Sudbury, in accordance with a request from Mr. Griffin, dated September 9, 1981, subject to confirmation from the Pastor, Fr. Hartigan.

Selectman Cossart expressed his opinion that, although he generally supports the issuance of temporary (one-day) liquor licenses, he felt that, at times, we are cutting in on the annually licensed people in issuing them. Selectman Cossart recommended that in the future, before issuing any temporary one-day licenses, we should have the written approval of the owner of the property on which the one-day liquor license is to be exercised. The Board concurred.

Temporary License, Wine and Malt - Porsche Club

It was on motion by Selectman Murray unanimously

VOTED: To confirm a telephone vote of the Board on September 9, 1981, approving a temporary license for the sale of wines and malt beverages only, issued to Michael Caldwell, Porsche Club of America Northeast Region, Inc., for their annual concour on the grounds of the Wayside Inn, for one day only, September 13, 1981, from 12:00 noon to 6:00 p.m.

Site Plan #81-234 - Project Management, Drake Park

Present: Building Inspector Joseph E. Scammon; Architect Brian Pettigrew, representing the developer; approximately 25 abutters.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan Application #81-234 of Project Management, Inc., for property known and numbered as Lots 3 and 4 Powder Mill Road, zoned Limited Industrial, owned by Drake Park Realty, Inc., for the construction of a two-story building, Phase I construction.

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 Conservation Commission, dated September 9, 1981, stating a Wetlands Protection Act Hearing will be required;

- from the Planning Board, dated September 11, 1981, recommending only one entrance to the site because of the limited sight distances on Powder Mill Road; that a system should be provided to accommodate non-sewage effluent; and that monitor wells should be placed on the down side of the leaching field or along the eastern border of the property;

- from the Board of Health, dated September 11, 1981, recommending approval subject to: 1) a commitment that town water will be supplied to the site; 2) a monitor well to protect the Sudbury Water District site, to be located by the Town Engineer; and 3) a report of toxic or hazardous chemicals used on site to be submitted by Project Management, Inc.;
- from the Town Engineer, dated September 10, 1981, recommending approval subject to a permit from the Board of Health for the proposed septic system;
- from the Sign Review Board, dated August 19, 1981, with no recommendations at this time;
- from the Building Inspector, dated August 13, 1981, recommending approval;
- telephone communications on September 14th from Mr. Michael Robinson, 153 Powers Road, and also from Mrs. Janet Monahan, 147 Powers Road, objecting to the development, anticipating an additional burden on Powers Road, which could become a major bypass. Mr. Thompson stated that there had been a few other calls to the office also.

The Building Inspector was present and displayed the site plan.

Architect Brian Pettigrew, representing the Developer, Project Management, Inc., introduced himself and gave an explanation of Phase I of the development project for Lots 3 and 4 Powder Mill Road, and showed renderings of the same. The plan included a two-story office building, approximately 28' in height, with access/egress onto Powder Mill Road alongside Lot 3, and a proposed road on the opposite side of the site alongside Lot 4. One hundred nineteen parking spaces are proposed with a potential of one hundred seventy-nine during future phase(s) of construction, as necessary, depending on type of businesses. The area is located in a Limited Industrial Zone and, therefore, light assembly/manufacturing would be an allowable use for a tenant. Mr. Pettigrew stated that the previous owner of the land had cleared the trees; additionally, there is a ridge going through the land. The building and parking areas will be constructed to fit into the contour of the land in such a way that the land does not look so bare. During construction, the perimeter of the site will be protected by sediment control, and adequate precautions will be taken to protect the wetlands, as discussed with and agreed upon by the Conservation Commission.

Mr. Pettigrew briefly explained the drainage off the building and parking areas and stated that they have agreed to do no salting on the site.

Selectman Murray questioned the limited sight on Powder Mill Road at the egress/access to the site. Mr. Pettigrew indicated that the visibility problem onto Powder Mill Road was taken into consideration when the design plans for the site were drawn by reducing the hill on the property and following the contour of the road and using a buffer.

Selectman Murray expressed his concern regarding the type of tenant in relation to any threat from hazardous discharge affecting the ground water and ultimately the Town well in the vicinity. Mr. Pettigrew responded that he had discussed this with the Water District, who did not seem to have a very high opinion of that particular well. Mr. Pettigrew further stated that 50% of the

building would most likely be office space, that only light manufacturing is allowed in this Limited Industrial Zone, and that any other type of business would have to go before Town boards for approval. Mr. Pettigrew showed the official wetlands map of the land, demonstrating the distance between the proposed building and the wetlands. He later responded to Mrs. Walter J. Bell of 34 Powder Mill Road, that the distance was twenty-five feet, and that the Conservation Commission had already issued its Order of Conditions in regard to the wetlands, as a result of the Wetlands Protection Act Hearing.

Mr. Gerald B. Morse of 120 Powers Road questioned what had been done by either the Town or the Architect in dealing with the impact of traffic on Powers Road, which is already used as a cut-through from major routes to Powder Mill Road. Mr. Morse commented that there are two accidents a year in front of his house.

Mr. Pettigrew commented that one of the considerations of the development was that it met the market criterion that there are several prime roads in the area - Routes 2, 117 and 62.

Mrs. Bell expressed her concern regarding an already dangerous intersection at Powers Road and Powder Mill Road (and speeding traffic on both roads), and questioned the effect the additional traffic would have on that intersection. Mr. Pettigrew responded that he could only address those immediate areas to the site and again stated that every attempt had been made regarding correcting the visibility at the access/egress to the site on Powder Mill Road.

Mr. Steven I. Robinson, 142 Powers Road, stated that, without any further development, there is already an unbearable situation on Powers Road. There are bus stops on Powers Road where children stand in the road, there are trees on the road, and every driveway is a blind one!

Mr. Steven D. Ellis of 63 Powers Road stated that there are eight accidents a year at the end of his driveway on Powers Road. If the road is improved, he said, it will attract even more traffic; likewise Powder Mill Road would. Mr. Ellis agreed that the intersection of Powder Mill Road and Powers Road is unbearable with a blind corner going westerly on Powers turning right onto Powder Mill Road. Mr. Ellis stated that with Phase I, there will be 200 cars, and questioned how many there would be with Phase II of the construction project. At one point in the evening, one of the abutters speculated that there would be 1,000 cars at some future time, and questioned the impact on Powers Road during peak hours, which sometimes coincide with school bus hours.

Responding to Peter Lembo of 45 Powder Mill Road, Mr. Pettigrew stated that, although the Planning Board had suggested only one access/egress, Lot 3 only has frontage on Powder Mill Road, and it would be desirable to have an egress/access on the proposed development road to accommodate the Lot 4 area.

Mr. Pettigrew showed the environmental sketch of the present site in relation to the future phases, later stating that within 3-4 years, there will be a total of 5 buildings; likewise, increased parking.

During further discussion regarding the traffic situation, Mr. Thompson commented that to get an accurate traffic analysis would require an origin and destination study, which is impossible to do until we know who the tenants are.

Mr. Lembo stated that he is a police officer in Town, that there have been eight accidents in front of his house in the past year-and-a-half, that cars and trucks cannot pass each other without difficulty, and that the road cannot handle any additional traffic.

Selectman Cossart commented that we have a serious safety adjustment to make, but that we have to try and be realistic from the standpoint that the petitioner has certain rights in the use of his property in accordance with permitted uses allowed under the Zoning By-law.

Responding to Mrs. Bell, Town Counsel stated that State law takes precedence over Town bylaws restricting construction because of traffic safety.

Responding to concerns expressed by Richard V. Grentzenberg of 125 Powers Road regarding worsening traffic problems after future phases of development, and following discussion, there was some consensus that safety issues would be addressed in a better way after the first building phase is completed. (It was noted that development of each subsequent lot would require additional site plan approval.) Town Counsel stated that in a subdivision that had been approved, any uses would be protected for five years. (This particular subdivision plan for Drake Park had been approved just last year.)

At the conclusion of discussion, it was on motion unanimously

VOTED: To continue by mutual consent to September 28 at 7:30 p.m., further consideration of Site Plan #81-234 of Project Management, Inc., for property known and numbered as Lots 3 and 4 Powder Mill Road, zoned Limited Industrial, owned by Drake Park Realty, Inc., in order to consult with Town Engineer James V. Merloni, on information and concerns expressed tonight relative to area traffic and safety problems associated with the proposed development.

Performance Review - Building Inspector

The Board tabled the annual performance review of Building Inspector Joseph E. Scammon and directed the Executive Secretary to reschedule the same.

Continued Dog Hearing - Ellis/Simon

Present: Mrs. Kenneth E. Simon; Mr. and Mrs. Stephen K. Ellis; and Dog Officer Betsy M. DeWallace.

Chairman Donald opened a public hearing, which was a continuance of the August 17 public hearing, on the dog complaint concerning the German Shepherd dog, King, owned by Mrs. Kenneth E. Simon.

Executive Secretary Richard E. Thompson stated that the hearing had been continued to allow Mrs. Simon, who was unable to attend the August 17 hearing, an opportunity to speak on the complaints against her dog made by Mrs. and Mrs. Stephen K. Ellis at that hearing. Mr. Thompson stated that Mrs. Simon had received a copy of the minutes of that hearing (also, the Ellises and the Dog Officer had received copies) in which the allegations against her dog by the Ellises were stated.

Town Counsel swore in all those who were planning to speak.

Responding to the Selectmen, the Dog Officer stated that, since the hearing on August 17, she had received three calls from the Ellises that the Simon dog had been out loose, but on those occasions, and other times that she patrolled the area, she never saw the dog.

Mrs. Simon stated that her dog never bit anyone except during a dog fight. Her dog, she said, is eleven years old and dying of arthritis. Mrs. Simon stated that she has had her dog penned for ten years, but that now her pen needs a new fence which will cost approximately \$1,000, and that she cannot afford to fix it. Mrs. Simon stated that her dog never leaves the property except to go across the street.

Responding to Chairman Donald, Mrs. Simon stated that she is unable to keep her dog in the house because he slips out, and questioned why her dog had to be penned constantly and other dogs did not.

Selectman Murray stated that we have a Dog Control Law, which restricts dogs from running loose between 8:00 a.m. and 7:00 p.m.; additionally, Chairman Donald told Mrs. Simon that because of the record in 1978 that King bit the UPS man, as well as confirming reports from neighbors at that time the dog had been a nuisance, her dog had a restraining order by vote of the Board of Selectmen on May 31, 1978.

Mr. Thompson expressed his opinion that the Selectmen have been very lenient about the situation, and stated that now they want the problem totally resolved, adding that numerous complaints have been recorded in the Selectmen's office from the Ellises since 1978.

Mr. Thompson told Mrs. Simon that the Ellises are not requesting that her dog be put to sleep, Contrary to her thinking, they are only requesting relief from a problem that has been going on for a long time. Later in the evening, the Ellises responded to Selectman Cossart that they could not say that they definitely did not want the dog destroyed due to the length of time this has been going on, although they did wish that it could be resolved some other way.

Mrs. Simon stated that she has a new dog run now but that it is difficult for her to put the dog on it by herself, and that she is alone.

Mr. Ellis rebutted Mrs. Simon's earlier comment by stating that her dog had bitten him while he was walking his dog on a leash.

Selectman Cossart stated his opinion that the Selectmen can not repeat its previous position, and based on Mrs. Simons' remarks, they have no alternative but to proceed with ordering the destruction of the dog - further stating that three years is a long time and the problem must be resolved.

Chairman Donald suggested that one alternative would be to have the dog placed with a relative, friend or family out of Town and Selectman Cossart suggested that Dr. McGee or the Dog Officer might be helpful in advising her along those lines.

Town Counsel informed Mrs. Simon that she would have a right to appeal any decision of the Selectmen within ten days to the District Court.

Selectman Murray told Mrs. Simon that he wished she could find a way to take care of the dog so that it would not be a nuisance, and so that it would not be necessary for the Selectmen to take such drastic action. Chairman Donald suggested that a longer leash for the dog would make it easier for Mrs. Simon to put the dog on the run. Mrs. Simon replied that it is difficult, and impossible at times, for her to get the dog from the house to the run.

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

VOTED: That Mrs. Kenneth E. Simon of 26 Silver Hill Road remove the German Shepherd dog, King, owned by her, from the Town of Sudbury, either by finding a new home for the dog out of town or by having the dog destroyed as of November 1, 1981, subject to a ten-day appeal period to the District Court.

Resolution-Eagle Scout James Cullen Walsh

It was on motion by Selectman Murray unanimously

VOTED: To confirm the action of the Board of September 9, 1981, issuing a resolution in honor of James Cullen Walsh for attaining the rank of Eagle Scout in the Boy Scouts of America.

Donation to Council on Aging

It was on motion by Selectman Murray unanimously

VOTED: To accept, on behalf of the Town, a donation in the amount of \$183.23 to the Council on Aging by Digital Equipment Corporation from the proceeds of their softball game with WBZ.

Minutes

It was on motion by Chairman Donald unanimously

VOTED: To accept the minutes of the Regular Session of August 31, 1981, as drafted.

Service for Boilers and Burners - Town Buildings

It was on motion by Selectman Cossart unanimously

VOTED: To rescind the segment of the Board's vote of August 31, 1981, to accept the offer for servicing and cleaning #2 oil burners and boilers of Town buildings during the 1981-82 heating season, from Interstate Gas and Oil Corp., Sudbury at the rate of \$16 per hour from 8:00 a.m. to 5:00 p.m. weekdays, and \$24 per hour on nights, weekends and holidays, commencing September 1, 1981;

and it was further

VOTED: To accept the revised offer from Interstate Gas and Oil Corp., dated September 1, 1981, for servicing and cleaning #2 oil burners and boilers of Town buildings during the 1981-82 heating season, at the rate of \$18 per hour from 8:00 a.m. to 5:00 p.m. weekdays, and \$27 per hour on nights, weekends and holidays, commencing September 1, 1981.

Current Items of Interest

Bulldozer Bid Specifications

Mr. Thompson stated that Town Counsel's office had approved contract and bid specifications for a bulldozer purchase for the Sanitary Landfill. The bid opening is September 23.

Police Cruiser Purchase

The Board reviewed a communication dated September 11, 1981, from Police Chief Nicholas Lombardi recommending that we forego the purchase of a highway safety cruiser and refuse the Governor's Highway Safety Bureau Grant, due to the cost exceeding the grant and the difficulty of meeting certain grant requirements, and referred the matter back to the Executive Secretary for further exploration.

Fitzgerald Grievance

Mr. Thompson stated that he had all the medical records pertaining to Officer Fitzgerald, and that he would set up a Selectmen's meeting with Officer Fitzgerald as soon as possible. Selectman Murray stated that he wanted to see any new medical information. Selectman Cossart directed the Executive Secretary to find out about the status of Officer Fitzgerald's available sick leave days.

Police Station Addition

Mr. Thompson gave the Selectmen a copy of a design for a plaque for the new Police Station addition for their comment.

Following discussion the Board agreed to hold an Open House for the Police Station addition November 8. Mr. Thompson stated that a sample invitation had been drafted and a list of guests was being compiled. Mr. Thompson asked the press to publicize the date.

Teen Center

Mr. Thompson updated the Board on the status of the Teen Center. The Teen Center is tentatively scheduled to be opened on September 25.

During discussion, there was a consensus of the Board to assist in the coordination of the High School, West, the arts group, and the Teen Center at the Fairbank School.

Parking Tickets

The Executive Secretary updated the Board of Selectmen on the situation involving takeover of processing parking tickets and fines from the Framingham District Court in accordance with outside section 115 of the state budget, as follows:

1. Sergeant Lembo attended the meeting arranged by Robert Campion, Assistant District Court Clerk, at which time he received all outstanding unpaid local parking tickets in the District Court in connection with the Town's communication of September 1 on the subject.

2. District Court will continue to collect parking fines through 1981 and return the monies to the Town Treasurer. Starting January 1, 1982, the whole process will be the Town's obligation. District Court is encouraging cities and towns to order stickers to affix to unissued parking tickets denoting that fines are payable to and enforced by the individual city or town (this will avoid disposal of parking tickets in current inventories and ordering new tickets).

3. The present consensus of the Chief of Police, the Assistant Chief, and Executive Secretary is that the Town should not proceed in calling a special town meeting to adopt Chapter 90, s.20A or 20A 1/2, prior to January 1, 1982, because of the errors and conflicts in these new laws (the Massachusetts Municipal Association is sponsoring correcting legislation, to be acted upon hopefully prior to January 1). They also believe it is best for administrative purposes now to proceed with the statute acceptance at the 1982 Annual Town Meeting, and if necessary to accomplish this to avoid issuance of tickets between January 1 and Annual Town Meeting.

4. The question of appointment dealing with the parking clerk has not been resolved. Further comment and recommendation will be given to the Selectmen at a later date.

Fire Eligibility List Examinations

The Board was in receipt of a communication dated September 14 from the Fire Chief in response to concerns expressed by the Board regarding costs involved with establishing a list of eligible firefighters/EMTs. At the suggestion of the Executive Secretary, the Board will get back to him with any further comments.

Police Monthly Reports

Selectman Cossart questioned the non-receipt of Police Department monthly reports for some period of time and asked that the Executive Secretary look into the matter and report back to the Board.

Selectman Murray suggested and the Board agreed that, if possible, we review surrounding communities' monthly police reports, leading toward a comparative analysis with our own.

Future Meetings Noted:

- Highway Association, September 18, 1981, 7:30 a.m., Bellingham. Chairman Donald will attend.
- Middlesex County Hospital's 25th Anniversary, September 30, 1981.
- Cherry Sheet Conference, September 25, 1981.
- New England Merchants National Bank Conference, October 16, 1981.

There being no further business to come before the Board, the meeting was adjourned at 10:30 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk