

IN BOARD OF SELECTMEN
MONDAY, DECEMBER 20, 1982

Present: Acting Chairman John E. Murray and Anne W. Donald.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Acting Chairman John E. Murray.

Reimbursement Anticipation Note - Union Avenue Reconstruction

Present: Town Treasurer Chester Hamilton.

Acting Chairman Murray convened a meeting with the Town Treasurer at his request to discuss the renewal of a \$50,000 Reimbursement Anticipation Note, due January 10, 1983, for reconstruction of Union Avenue.

Mr. Hamilton stated that because the Highway Surveyor was unable to prepare the necessary papers in order to receive reimbursement by the State for the January payment date, it becomes necessary to renew that Reimbursement Anticipation Note.

It was on motion by Selectman Donald unanimously

VOTED: To renew a \$50,000 Reimbursement Anticipation Note, dated October 20, 1982, and due January 10, 1983, in conjunction with reconstruction of Union Avenue, authorized by the 1980 Annual Town Meeting under Article 19, and to authorize the borrowing schedule for repayment on April 11, 1983, in accordance with the Town Treasurer's communication of December 16, 1982.

83ATM Articles for Withdrawal

In accordance with communications received from the Chairman of the Planning Board and the Town Engineer, dated December 15, and December 16, 1982, respectively, it was on motion by Selectman Murray unanimously

VOTED: To accept withdrawal of articles for the 1983 Annual Town Meeting, as follows:

- 1) Amend Bylaws Art. IX, II, C - Rezone Limited Industrial District #2 (Planning Board);
- 2) Amend Bylaws Art. IX, V, B - Off-street Parking (Surface) (Planning Board); and
- 3) Amend Bylaws, Art. IX, V, B&C - Off-street Parking (Town Engineer).

Site Plan #82-247 - V. H. S. Realty Corp. Lot 65 Boston Post Road

Executive Secretary Richard E. Thompson stated that the design plan, to accompany Site Plan 82-247 (approved by the Board October 18, 1982 subject to design) of V. S. H. Realty Corp., had been revised and approved by the Planning Board on December 13, but still reflects the recommendations made by that Board that the facade of the building be of a more colonial design in keeping with the more traditional buildings in Town. The Planning Board included a notation on the final design plan requesting that a cupola be added, if possible.

It was on motion by Selectman Donald unanimously

VOTED: To approve the revised design plan for V. S. H. Realty Corp. building to be located at Lot 65, Boston Post Road, approved by the Planning Board December 13, 1982, subject to amending Site Plan #82-247 for said property to reflect that revision.

Street Layouts - Schedule of Acceptance

It was on motion by Selectman Donald unanimously

VOTED: To approve a schedule of action required by the Selectmen for laying out streets to be accepted at the 1983 Annual Town Meeting, as prepared by Assistant Town Counsel Thomas M. French under date of December 14, 1982.

Board of Education's 1983 Legislative Proposal

Following review of information and correspondence from the Sudbury School Committee concerning the State Board of Education's 1983 legislative proposal to improve educational finance, and during discussion, the Board agreed for various reasons that this would have a negative impact on Sudbury's educational finances, and therefore on its educational system, and on the recommendation of the Executive Secretary directed him to forward a communication to Representative Lucile Hicks and Senator Chester Atkins expressing the Board's opposition, in conjunction with the local Schools' opposition, to the proposal from the State Board of Education.

Accept Donations

It was on motion by Selectman Donald unanimously

VOTED: To accept, on behalf of the Town, \$100 donated by the Sudbury Kiwanis Club, to be used by the Sudbury Council on Aging.

Extend Serving Hours - New Year's Eve

It was on motion by Selectman Donald unanimously

VOTED: To grant permission to extend the serving hours on December 31, 1982, New Year's Eve, to 2:00 a.m. on January 1, 1983, to holders of alcoholic beverages pouring licenses in Sudbury.

General Office Space

In the absence of Chairman Cossart, it was on motion by Selectman Donald unanimously

VOTED: To table discussion on the subject of General Government office space in conjunction with communications received from the Executive Secretary and the Town Engineer (jointly) dated December 16, and from Town Hall elected officials, dated December 14.

Minutes

It was on motion by Selectman Donald unanimously

VOTED: To approve the minutes of the Regular Session of December 13, 1982, as amended, and the Executive Session minutes of that date, as drafted, subject to comment from Chairman Cossart.

Proposed Sudbury River Diversion

Selectman Donald stated that, in view of the schedule for completion of the final draft of the Environmental Impact Study Report and the number of work hours still required by Dr. Chiang (in David Beall's opinion), it might be necessary to submit an appropriation article or increase the Selectmen's Surveys and Studies Account for FY84.

Mr. Thompson pointed out that initially this project was a 2-way venture with the Water District - \$5,000 to be spent by them and \$5,000 to be paid by the Town.

At the direction of the Selectmen, Mr. Thompson stated that he would find out from the Water District how much money they have expended to date and to be sure that those same expenditures are not duplicated by the Town.

Middlesex County Advisory Board

Selectman Donald stated that the Middlesex County Advisory Board (MCAB) passed the supplementary budget; no additional monies from the cities and towns are required. She referenced the MCAB proposal regarding changing the budgeting procedures and regarding a stabilization fund; Mr. Thompson stated he would look into it and report back to the Board.

Appointment - Acting Town Accountant

It was on motion unanimously

VOTED: To appoint Richard E. Thompson Acting Town Accountant for the week of December 20 in the absence of Town Accountant James Vanar.

Wayland-Sudbury Septage Disposal Facility

In response to inquiry by Selectman Donald at last week's meeting, Mr. Thompson reported that the Wayland-Sudbury Septage Disposal Facility is scheduled for opening in April of 1983.

Reimbursement Forms for Highway Purposes

It was on motion unanimously

VOTED: To sign the following reimbursement forms to be filed with the State Department of Public Works:

- Chapter 90 reimbursement request M.A. #29899 for drainage reconstruction, Union Avenue, requesting the amount of \$39,400, with accompanying final report;

- Chapter 90 reimbursement request M.A. #29899 for Old Sudbury Road Overlay, requesting the amount of \$26,152, with accompanying final report;
- Chapter 90 reimbursement request M.A. #30592 for Primary Road Overlays (Old Sudbury Road, Nobscot Road, and Union Avenue), requesting the amount of \$59,848, with accompanying final report;
- Chapter 90 reimbursement request M.A. #29640 for Union Avenue drainage and reconstruction, requesting the amount of \$12,388.62; and
- Chapter 90 reimbursement request M.A. #30821 for North Road/Great Road Overlay, requesting \$32,980.73.

Personnel Board Meeting

Mr. Thompson reminded the Board of the Personnel Board's meeting scheduled for tomorrow evening, December 21; the Police Chief's salary will be addressed.

Communication from John C. Powers

The Board acknowledged receipt of a communication from John C. Powers, Chairman of the Sudbury Historical Commission relative to the legal technicalities of expending money for the Hosmer House project in accordance with the \$50,000 appropriation voted by the 1982 Special Town Meeting, Article 11. The subject has been referred to Town Counsel for clarification.

Community Signs

Executive Secretary Richard E. Thompson informed the Board that the Sudbury Youth Hockey Association decided they did not have enough time to prepare signs advertising their raffle fund raiser to be posted on the community signs, and on the recommendation of the Executive Secretary, it was on motion by Selectman Murray unanimously

VOTED: To rescind the Board's vote of December 13, 1982, authorizing the use of the two community signs on Routes 20 and 117 through December 18th, by the Sudbury Youth Hockey Association.

Civil Service Exams

Mr. Thompson gave the Board a copy of General Laws, Chapter 31, s. 58, s.26, s.27, s.1, concerning the Civil Service requirements for police officers' residences and ranking on tests.

Meeting with Congressman Shannon

Mr. Thompson informed the Board that he was able to schedule a meeting with Congressman Shannon, Tuesday, December 28 at 7:30 p.m. at the lower Town Hall on the subject of the Sudbury Annex of Fort Devens.

Site Plan 82-250 - 424 Realty Trust, 424 Boston Post Road

Present: Atty. John C. Powers, 424 Realty Trust; Building Inspector Joseph E. Scammon; Vice President Larry Brodney and Atty. Paul N. Gollub, Bed & Bath.

At the public hearing on December 13, 1982, the Board took under advisement Site Plan 82-250 of 424 Realty Trust in order to review the information from that hearing with Chairman Cossart who was unable to be present. Some of the questions/concerns raised at that meeting were:

- the question of whether or not the conditions of a lease between Bed & Bath and the owner of the building would have any effect on the overall site plan requirements; namely, parking.
- the safety issue and the question of whether a traffic study would be in order; and
- the question of whether or not the site plan should be subject to the Town's landscape bylaw, voted into effect by the 1982 ATM under Article 23.

Mr. Thompson stated that Town Counsel has indicated that the tenant/landlord situation relative to parking is not pertinent to the site plan process; that the traffic issue on Route 20 has been the subject of discussion at different times with no conclusions drawn, and that a conclusion had been reached at the previous hearing that the site prevents the full application of the Town's landscape bylaw.

Atty. Gollub reiterated his statements made at the previous hearing that Bed & Bath has exclusive rights to parking lot #2 under the terms of the lease (which includes the parking of trailers) and which would affect the overall number of parking spaces required for the site plan. Atty. Gollub mentioned that the plan shows a one-way exit to Union Avenue against the flow of traffic and stressed the difficulties a forty-foot trailer would have in making that turn.

Atty. Powers for 424 Realty Trust read that section of Bed and Bath's lease pertaining to trailer trucks using this site which indicated they would be allowed only if Town laws did not restrict them otherwise.

Following further discussion, it was on motion by Selectman Murray unanimously

VOTED: To approve Site Plan 82-250 of 424 Realty Trust, for property located at 424 Boston Post Road, Business District #2, for additions and renovations to existing buildings and the demolition of another building, for retail and office space, subject to approval by the Board of Health, the Town Engineer and the Planning Board, as set forth in communications dated December 7, November 29 and December 8, respectively; and to waive the landscape requirements, in accordance with Article IX, V, N, 5, of the Sudbury Bylaws, with the stipulation that those items referred to in the Planning Board letter of December 8 become part of the site plan and so delineated.

Mr. Thompson commented that the Selectmen would not be signing the plan tonight because they did not have the revised mylar.

Change in Premises - Ye Olde 117 House, Inc., 470 North Road

Present: Roger S. Murray, Manager, Ye Olde 117 House, Inc; Building Inspector Joseph E. Scammon; and Richard L. Stevens, Board of Health.

Acting Chairman Murray convened a public hearing on the application of Roger S. Murray, Manager, Ye Olde 117 House, Inc., holder of a Common Victualler All Alcoholic Beverages License, for approval of a change in the premises involving expansion of the business within an existing building by creating an additional dining area (432 square feet) and change in the bar area, on property located at 470 North Road.

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

- from the Board of Health, dated December 9, 1982, with conditional approval;
- from the Acting Assistant Fire Chief, dated December 15, 1982, recommending conditional approval; and
- from the Building Inspector, dated December 16, 1982, recommending approval.

Mr. Roger S. Murray, Manager of Ye Olde 117 House, explained at the request of Selectman Murray, the purpose of the expansion. He plans to open up a room now being used as storage, in order to accommodate more people for dining. The room is approximately eighteen by twenty-four feet.

The Building Inspector added that the bar will be extended into the new dining area three feet; Mr. Murray said that was to accommodate another cooler behind the bar.

Mr. Richard L. Stevens of the Board of Health stated that Mr. Murray had signed a document with the Board of Health signifying his agreement with its conditional approval - one being that in approximately one year, seven months' time, the owner agrees to upgrade the septic system.

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

VOTED: To approve the application of Roger S. Murray, Manager, Ye Olde 117 House, Incorporated, holder of a Common Victualler All Alcoholic Beverages License, for a change in the premises involving expansion of the business within an existing building by creating an additional dining area (432 square feet) and change in the bar area, on property located at 470 North Road, subject to conditions set forth by the Board of Health and the Acting Assistant Fire Chief, in communications dated December 9 and 15, respectively.

Joint Meeting - Safety of Our Streets Committee

Present: Sandra M. Bell, Michael J. Robinson, Gerald B. Morse and Russ Henselman.

Dr. Michael J. Robinson stated that they (The Safety of Our Streets Committee) are before the Selectmen this evening for advice on the petition articles they submitted - 1) to amend Article IX of the Sudbury Zoning Bylaw by deleting the Limited Industrial District #2 in its entirety with the result that this area will revert to and be included in zoning district Residential A-1; and 2) to discontinue a portion of Powder Mill Road so that it will no longer be a through-way but would end in a cul-de-sac.

Dr. Robinson further stated that because of their concern with the safety of the streets (Powers and Powder Mill Roads) they felt the only recourse was to ask the Town to rezone, and, therefore, submitted the first article. Subsequent to that, the Committee met with Mr. Brian Pettigrew of Project Management, at his request, (owner of industrial and residential property on Powder Mill Road), and on his recommendation submitted the second article. Dr. Robinson indicated that the Committee is aware that they may withdraw the article if the Selectmen and/or the Town Engineer did not feel it was feasible and/or if other appropriate Town boards did not back it.

Mrs. Sandra M. Bell showed on a map where the cul-de-sac would be on Powder Mill Road at the boundary of the residential and industrial areas/parcels owned by Project Management.

Selectman Murray stated that he was almost certain such a road change would require State Department of Public Works' approval.

Dr. Robinson referenced a letter from the State Department of Public Works which indicated that the Town could make its own ruling, and stated that he would furnish the Selectmen with a copy of that letter.

Selectman Murray suggested that Mr. Thompson and the Town Engineer research it; additionally, Selectman Murray stated that, because there is a suit pending against the Town by Project Management, he felt that the Selectmen should not take any position until that is settled, and that there is no way of projecting when that case will come up. Selectman Murray added that he was not sure if the Court would uphold Town Meeting action, even if the Town Meeting voted the cul-de-sac or rezoning, in view of the pending case. Dr. Robinson commented that because the cul-de-sac was Mr. Pettigrew's idea it might have some bearing on the issue.

The Selectmen directed the Executive Secretary to meet with the Town Engineer as soon as possible, as well as both the Fire and Police Chiefs and Town Counsel, and report back to the Selectmen, at which time the Committee would be notified.

There being no further business to come before the Board, the meeting was adjourned at 9:45 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk