

IN BOARD OF SELECTMEN
MONDAY, APRIL 25, 1983

Present: Acting Chairman Anne W. Donald and Myron J. Fox.

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

License Renewal - Sudbury Entertainment, 99 West

Following a brief discussion, it was on motion by Selectman Fox unanimously

VOTED: To renew a License for Public Entertainment on Sunday for a folk singer with guitar (one or two), requested by 99 West, Inc., for property located at 698 Boston Post Road, for the period April 10, 1983, to April 1, 1984, from 7:15 to 11:15 p.m.

Proclamation - Preservation Month

In accordance with a request relative to the preservation of historic buildings from the Massachusetts Historical Commission, forwarded to the Selectmen by the Chairman of the Sudbury Historical Commission, John C. Powers, it was on motion by Selectman Fox unanimously

VOTED: To sign a proclamation designating the month of May, Preservation Month.

Accept Donations

It was on motion by Selectman Fox unanimously

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

- a. \$101 in miscellaneous donations for the operation of the Council on Aging van; and
- b. \$720.01 as the third payment of a \$1,000 commitment, Grant No. 3B-83-02-00 from Bay Path Senior Citizens Services, Inc., to the Council on Aging for van transportation.

Articles Requiring Action - 83ATM

For the information of the Board, the Executive Secretary referenced his communication of April 22, 1983, listing action required in conjunction with the votes of the 1983 Annual Town Meeting, and some discussion followed.

Article - The Middlesex News

Selectman Fox stated that there was an article in The Middlesex News regarding some very good ideas which the unsuccessful candidate for Selectman in Wayland was trying to put forward, and suggested that the Board may want to consider them. They

are as follows:

- 1) that all Annual Town Meeting articles requiring 2/3 or 4/5 votes be so noted in the Warrant. Selectman Fox added that at the 83ATM, the suggestion was made that the actual salaries of Town employees as adjusted be printed so that the actual percentage of increase is shown;
- 2) that Finance Committee reports on articles for the Warrant should include that Committee's position with an explanation of how the Committee arrived at that decision. This could include a minority or a majority report or both. The Executive Secretary was directed to forward this suggestion to the Finance Committee for comment; and
- 3) when elected or appointed persons' terms are coming to an end those vacancies should be posted or advertised in the local newspaper. Mr. Thompson stated that the office is pretty much on top of that, vacancies are generally advertised, and that the Talent Search list is consulted.

Site Plan 83-255 Sudbury Motor Parts, 119 Boston Post Road

Present: Building Inspector Joseph E. Scammon; Fire Chief Michael Dunne; Fred O'Connell, Realtor for owner; and David Morrison, Sudbury Motor Parts.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered site plan 83-255 of Sudbury Motor Parts, Inc., for property located at 119 Boston Post Road, Industrial District #4, for an addition to the existing building.

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 Building Inspector, dated April 22, 1983, recommending approval upon clarification of the following: 1) retail sales not permitted in Industrial District; Board of Appeals action required; 2) twenty-three parking spaces required; twenty-five shown but two of these do not comply with the Industrial Zone setback - moving both rows of parking spaces six feet back would bring them into compliance; 3) plans do not indicate whether there will be landscaping in the twenty foot landscape area at the street line. The west entrance could show a larger area of landscape by shortening the width of the entrance and making a bermed radius to meet parking space twenty-five (after it is moved back six feet). The Building Inspector recommended that a tree be planted in the area of parking space #1 and #2 and another in the corner at spaces #11 and #12;
- from the Planning Board, dated April 22, 1983, recommending conditional approval on the following: 1) clarification of the zoning, Chapter IX, III, C, 2; 2) a twenty foot landscaped area in front of the building on

each side line; 3) two, twenty foot wide driveway openings on Route 20; 4) the elimination of the two non-conforming parking spaces shown on the site plan; and 5) construction of a drainage system to contain water run-off to the site. The Planning Board would like to discuss architectural structure of the building and comment accordingly;

- from the Board of Health dated April 15, 1983, recommending approval subject to compliance to the following: 1) the existing well should be capped and tested for quality and quantity of water for drinking and for toilet facilities; 2) the existing cesspool is to be abandoned and filled with gravel; and 3) plans for the individual septic system are to be submitted for approval;
- from the Conservation Commission dated April 18, 1983, determining that the proposed site plan does not come under the jurisdiction of the Wetlands Protection Act; and
- from the Assistant Town Engineer dated April 13, 1983, recommending approval conditioned on the following: 1) clarification of permitted use necessary in order to determine number of parking spaces required. For retail space, every one hundred and eighty square feet of ground floor requires one parking space; 2) relative to parking: agreed with other reports that two spaces do not comply and added that, because the off-street parking section of the bylaw (Section V,B) requires a shade tree per ten parking spaces in planting islands within the parking area, a minimum of two additional shade trees must be provided which would eliminate one parking space bringing the total below the required number for retail space; 3) two, twenty foot wide openings for driveways should be shown on the plan; 4) a twenty foot wide area in front of the building should be landscaped and a walkway providing access from the parking areas to the front door of the building constructed; and 5) an on-site drainage system consisting of a bituminous concrete berm and leaching catch basins should be constructed to contain water run-off to the site.

Manager David Morrison, Sudbury Auto Parts, explained the details of the site plan as follows: The original site plan is for a thirty foot addition to the existing building; he will re-design to a twenty foot addition to meet the parking requirement although he questioned why the site plan for the thirty foot addition requires twenty-three spaces if only one thousand one hundred square feet are for retail sales.

Selectman Fox quoted the Town Bylaw, Article IX, section 5,B,1 pertaining to retail sales for off-street parking - for every one hundred and eighty square feet of total ground floor of building one parking space is required.

(It was determined that with the twenty foot addition, there would be three thousand six hundred ninety square feet of ground floor, and that would require twenty-one spaces.)

Mr. Morrison explained that he had approached Town Boards/Departments and had asked them to tell him what was required in terms of an acceptable site plan. He later went on to say that after his engineer had completed the site plan, those same Boards/Departments asked for a number of different requirements, and that tonight he is hearing still more requirements being specified. And later in the evening, Mr. Morrison stated that he only learned last Tuesday about the Town Engineer's (and Planning Board's) recommendation that two, twenty foot wide access driveways on Route 20 were necessary. Responding to that, the Building Inspector agreed that it was something picked up by the Assistant Town Engineer.

Selectman Fox explained that the Selectmen are giving consideration to how the site plan process can be improved so that it is less complicated and more efficient. (Later in the evening, Realtor Fred O'Connell, O'Connell and Company of Framingham, suggested that the Board of Appeals process should come before the site plan process to avoid loss of time and money to the applicant, but, as Selectman Fox pointed out, if in the Appeals process a special permit or variance is granted, there is still the possibility that the site plan would not be approved, and that would be the very same situation.) Selectman Fox added that the Building Inspector or the Selectmen cannot vary the zoning bylaw, only the Board of Appeals can.

Relative to time constraints, Mr. Morrison stated he is supposed to pass papers on July 1.

Selectman Fox stated two reasons why a special permit from the Board of Appeals (which he stated is about a two and one half month process) could be necessary: 1) for an addition to a non-conforming building; in this case the building does not meet the set-back requirement from the road; and 2) for a non-permitted use for the particular zone; in this case, retail sales in an Industrial District.

Selectman Donald pointed out that the applicant would need site plan approval before going to the Board of Appeals.

Mr. O'Connell stated that there is an overlapping in the Town Bylaws relative to the Industrial Zone and the Business Zone pertaining to retail sales; he felt that, because of the duplication, retail sales were allowed on the site.

Mr. Thompson asked Mr. O'Connell to identify himself and if he were paid counsel for the petitioner to which he responded, he was not. Mr. Thompson asked Mr. O'Connell if he represented the property owner, the McManuses, and Mr. O'Connell responded in the affirmative.

Selectman Fox asked Mr. O'Connell to point out to Town Counsel and the Building Inspector his concern in the Bylaws and asked Town Counsel to respond to the Selectmen later in the hearing.

On the question of the present owner's package store license, which does not expire until the end of 1983, Town Counsel Paul L. Kenny stated that the liquor license would not die, but could be subject to transfer, with the sale

of the property; also, the Selectmen could ask that the license be returned or they can cancel it with notice if not needed. Selectman Fox added that the Selectmen could condition the site plan accordingly.

Selectman Fox suggested that, in general, he would like to see all parking to the rear of buildings so that the Post Road would be less unsightly. An attractive building, closer to the road, with visible landscaping, he stated, would be so much more attractive than a large paved area from the road to a building which has been set back. Selectman Fox stated he realized this could not be accomplished in all cases, but that he would like this to be the case where the land allows parking in the rear. He suggested to the Building Inspector that he might recommend this whenever new site plans come before him; Selectman Fox stressed that he would like to see applicants on notice so that when they come before the Board they will have already considered this aspect of planning. Selectman Donald agreed.

In conjunction with Selectman Fox's comments, Mr. Morrison stated that he did not need twenty three parking spaces for his proposed business, that it is very expensive for him to do that much paving, and that the property would be more attractive with less paving.

The Executive Secretary stated Mr. Morrison should check with the Town Engineer as to whether or not he had to pave the entire parking lot - that perhaps it could be part gravel. Selectman Fox stated that it was all right with him if less of an area were paved but that it would have to be the Building Inspector's decision, in conjunction with the Town Engineer, in terms of the necessity to pave for drainage, in accordance with the zoning bylaws.

Mr. Morrison asked what he had to do in order to have his site plan approved. The Building Inspector responded that the twenty foot landscaped area in front of the building should be shown on the plan. Mr. Thompson stated curb cuts would be required from the State. Town Counsel gave the opinion that the retail sales of auto parts is a permitted use and, therefore, Board of Appeals action would only be necessary for a special permit for an addition to a (legal) non-conforming building (too close to the road).

(Selectman Fox directed the Executive Secretary to contact the Planning Board to review the Bylaws where they pertain to retail sales in Business and Industrial overlapping Districts, specifically ID #4.)

Selectman Fox added that, if Mr. Morrison eliminates the building addition from the site plan, it would then not be necessary for him to go to the Board of Appeals.

Town Counsel responded to comment by the Executive Secretary that the retail sales portion of the existing building could be expanded into the storage (or other) areas although the present business uses only the front portion of the store for retail sales; the Selectman directed Town Counsel to look at Town Meeting votes and/or office files relative to any action or interpretation which may conflict with Counsel's current opinion on the same.

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

VOTED: To approve SP83-255, "Site Plan of Land, Sudbury, Mass.", dated March 16, 1983, by GLM Engineering Consultants, Inc., for the applicant, Sudbury Motor Parts, Inc., pertaining to property known as 119 Boston Post Road, strictly for the use for retail sale of auto parts, subject to compliance with all governmental laws and regulations including, but not limited to, zoning, and subject to compliance with all the recommendations outlined in the following communications:

- from the Building Inspector, dated April 22, 1983;
- from the Planning Board, dated April 22, 1983;
- from the Board of Health, dated April 15, 1983; and
- from the Town Engineer, dated April 13, 1983; or as amended by any of those four agencies.

NOTE: The site plan will be signed when it complies to the above.

Mr. Thompson suggested to Mr. Morrison that he have his engineer meet with the Town Engineer and/or the Building Inspector, Planning Board, Board of Health, and amend the site plan accordingly.

Selectman Fox pointed out that it was the understanding of all those present that this site plan was for the retail sale of auto parts only and that the package store would cease to exist at this location.

Selectman Fox commented that there is no guarantee that the Board of Appeals will grant the special permit for the non-conforming building.

Responding to Selectman Fox, Mr. Morrison stated he had plans to make some changes to the building, such as painting or sandblasting to clean it up.

Mr. O'Connell asked when an interpretation of the zoning for the whole site would be available. Town Counsel stated within the week. Selectman Fox added that he would like to see a clarification of the Bylaw before the next Annual Town Meeting.

Transfer Requests

a. Acct. 310-71, Fire Department Uniforms

Present: Fire Chief Michael Dunne.

Following a brief explanation by Fire Chief Michael Dunne, it was on motion by Selectman Fox unanimously

VOTED: To approve Transfer Request No. 1087, dated April 21, 1983, from the Reserve Fund to Account 310-71, Fire Department Uniforms, in the amount of \$1,800, necessary because of a numerical error in the original budget and for outfitting two firefighters.

b. Acct. 502-13, Engineering Clerical Salary

It was on motion by Selectman Fox unanimously

VOTED: To approve Transfer Request No. 1088, dated April 22, 1983, from Acct. 502-11, Engineering Salaries, to Acct. 502-13, Engineering Clerical Salary, in the amount of \$1,503.09 due to a change in personnel and as further explained on the numbered transfer.

Change Meeting Time

It was on motion unanimously

VOTED: To change the meeting time of the Board's meeting of May 2, 1983, from 7:30 p.m. to 8:00 p.m.

Appeal - CATV

The Board acknowledged receipt of a Petition of Appeal on behalf of Community Cablevision of Sudbury Associates, relative to the provisional license award in Sudbury, forwarded by Manelis and Bereson, Attorneys, under cover letter dated April 22, 1983.

Goodnow Library

Executive Secretary Richard E. Thompson stated for the Board's information that he would be attending a meeting with the Building Inspector and the Town Engineer at the Goodnow Library relative to flooding in the Children's library and the Board of Health's subsequent notification to the Library that the Children's Library is no longer a viable place for children.

Memorial Day Celebrations

The Board was in receipt of a communication dated April 22, 1983, from the Chairman of the Memorial Day Committee relative to the Board's participation in the Memorial Day parade, May 30, 1983.

Selectman Donald indicated she would participate; Selectman Fox asked that the Executive Secretary convey his apologies but he will be on vacation at that time.

Springthing Signs

Mr. Thompson updated the Board that he had arranged for the Springthing Committee to put up a sign at the Police Station for a period of time to advertise the High School's May 7 Springthing celebration.

It was on motion by Selectman Fox unanimously

VOTED: To approve the installation of a sign in front of the Police Station, in accordance with the details worked out between the Executive Secretary and the High School Springthing Committee, and subject to Sign Review Board approval.

Stow Celebration

The Board acknowledged receipt of an invitation received April 20 from the Town of Stow to join them in the celebration of their 300th anniversary by marching in their Tercentenary Parade, Sunday, May 15th. Selectman Donald stated she would attend and march; Selectman Fox stated he would be unable to do so.

Waters Manufacturing/Landfill

It was on motion by Selectman Fox unanimously

VOTED: To direct the Executive Secretary to work with the Highway Surveyor on the problems associated with debris from the Sanitary Landfill blowing/spilling over onto abutting property; namely, Waters Manufacturing, as indicated in a communication dated April 21, 1983, from Robert A. Waters.

Selectman Fox indicated that he felt the unsightliness of the Sanitary Landfill along the fence is a poor introduction to Sudbury as one enters the Town along Route 20. He suggested two approaches to the problem - 1) from an engineering point of view (perhaps the debris could be covered sooner); and/or 2) via regulations: through better monitoring of existing landfill regulations and possibly through development of a new requirement to securely bundle materials to be deposited. Selectman Fox further suggested that, by way of the press, the citizenry could be made aware of the problem and its financial impact to keep the area clean, and request individual cooperation in this regard.

Mr. Thompson stated he would talk to Highway Surveyor Robert A. Noyes.

There being no further business to come before the Board, the meeting was adjourned at 9:30 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk