

IN BOARD OF SELECTMEN  
MONDAY, JULY 11, 1983

Present: Chairman John E. Murray, 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 Chairman Murray.

Site Plan #83-260, V. S. H. Realty, Inc., 470 Boston Post Road

Present: Fire Chief Michael Dunne; Building Inspector Joseph E. Scammon; Atty. Alan Affrow and Mr. Robert Quinlan for V. S. H.

Chairman Murray reconvened a public hearing on Site Plan 83-260 of V. S. H. Realty, Inc., for property located at 470 Boston Post Road (former Gulf Station), which had been continued by mutual consent on June 20 to allow the Selectmen to take the matter under advisement and to allow the applicant to address concerns raised by the Board at that meeting.

Executive Secretary Richard E. Thompson updated the Board as follows:

- a revised site plan had been submitted by V. S. H. (revision date July 11, 1983);
- the Town Engineer had reviewed the revised plan and had approved the location of the monitoring wells; he recommends a waiver of the landscape requirements but suggests additional landscaping to both sides of the property;
- regarding a clarification of the Planning Board's recommendation regarding landscaping, Mr. Thompson stated that the Planning Board had requested additional shade trees and greenery near the street and accordingly had asked for additional landscaping plans; these have not been received to date;
- the Building Inspector agrees that the landscape bylaw be waived;
- the Fire Chief, under letter dated July 1, 1983, states that there must be a minimum of two employees during hours of operation - one would be constantly in attendance at the "kiosk" monitoring and dispensing operation. The Chief had enclosed a decision rendered in favor of the City of Worcester in this regard - (see civil action #15998, V. S. H. Realty, Inc., v. Robert J. O'Keefe (City of Worcester) et al, whereby judgment was entered for the defendant to deny V. S. H.'s request to amend their permit from multiple to a single-operator of their combination gas station/grocery (Cumberland Farm) store, contrary to State Fire Marshall regulations amended in

September, 1978, to allow a single operator simultaneously handling the convenience store and being in attendance at the pump consoles - local authority in this case over-ruling State.) The Fire Chief's opinion is that there are already too many self-service station on Route 20 in Sudbury and that adding another would force motorists who are incapable of safely using this type of service to do so, creating a serious fire hazard; that he has not seen the plan but would not be inclined to approve this facility without two attendants and all the safety features required of other self-service stations.

Responding to Chairman Murray who asked how the plan had been revised, Atty. Affrow stated that the monitoring wells had been added. Responding to Selectman Fox, Atty. Affrow stated he had not seen the Fire Chief's letter before tonight. Selectman Fox replied that the safety hazard of one operator was brought up at last week's hearing and the Board had asked Mr. Longton of V. S. H., who was present last week, to address this issue since it is the feeling of the Board that it might not be in favor of the site plan on the basis of one operator.

Atty. Affrow responding that gas pumping is controlled by the station operator who must activate the pump for it to be operable. After operating in this manner for a time (one person), they will assess the peak hours and know when it is necessary to have more than one person in attendance to better and more safely serve their customers at both the pumps and convenience store. He indicated that it is a question of economics.

Atty. Affrow explained that the overhead canopy contains an overhead fire extinguishing system which can be operated manually by the clerk; it is also activated by temperature control and he expressed his opinion that it is actually safer than the type used in a full-service station.

During a lengthy discussion, it was a consensus of the Selectmen that this would not be a safe operation if there were only one operator. Fire Chief Michael Dunne agreed.

Responding to Atty. Affrow Town Counsel Paul L. Kenny stated that the State Fire Marshall has the authority to approve a license for the storage and disbursing of inflammables, but that it is only on the local licensing Board's (Selectmen) final authority that a license can be issued.

Mr. Thompson stated that the Selectmen are dealing only with a site plan at this time; another application must be made for the increased storage permit.

Responding to Selectman Donald, Atty. Affrow stated that gasoline would be available at all times that the convenience store is open.

Mr. Robert Quinlan of V. S. H. commented on the stability of their operations (in business since 1968, seventy-five locations without an accident), their negotiations with individual fire chiefs for storage and operating permits, and their safety record, and requested that the Selectmen not restrict them but allow them flexibility in the operations of their business.

During further discussion, Selectman Fox expressed his dissatisfaction in the fact that V. S. H. had just submitted its revised site plan today which did not give the Selectmen an opportunity before tonight's meeting to thoroughly review the difference between the former and the revised plans; also, at the previous hearing (June 20) the Selectmen had requested that the applicant return prepared to discuss 1) not having a self-service station, and 2) having more than one attendant, and this was not the case this evening.

Atty. Affrow apologized on behalf of V. S. H., stated he was filling in in the absence of Mr. Longton, who was on vacation; he said that he had been informed about concerns raised last week regarding the revision to the site plan to show the placement of the monitoring wells.

Selectman Fox stated he would be in favor of issuing approval for a two individual, self-service mode of operation, subject to the Building Inspector's review and approval of the revised site plan, and, upon further discussion, that Cumberland Farms would agree to post a sign offering assistance in pumping gasoline to any person requiring the same, especially the elderly and handicapped.

Atty. Affrow stated that they would post the sign and that they would want to be able to come back before the Selectmen and request that the restriction of more than one attendant be lifted based on their track record.

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

VOTED: To approve Site Plan #83-260 of V. S. H. Realty, Inc., for property located at 470 Boston Post Road (former Gulf Station), as shown on a plan entitled, "Site Plan of Renovations to Existing Building, Sudbury, Mass.", dated April 5, 1983, revised July 11, 1983, subject to compliance with all governmental laws and regulations including, but not limited to, zoning, building, and health laws and regulations, and further subject to the following conditions:

- 1) that the debris behind the fence be cleaned up, and that the fence be either repaired or torn down;
- 2) Board of Appeals approval regarding variance from the seventy-five percent setback regulation for the canopy;
- 3) compliance with the Landscaping Bylaw, as notified, to be approved by the Building Inspector;
- 4) periodic maintenance program of the drainage system to be approved by the Town Engineer;
- 5) monitoring wells installed down gradient from the gasoline tanks, location to be approved by the Board of Health;
- 6) no kitchenware is to be installed;

- 7) replacement of and upgrading of the gasoline tanks as approved by the Fire Chief; however, this condition shall not be deemed approval of the tank capacity - that is subject to another hearing;
- 8) that there be at least two employees on duty at all times;
- 9) curb cut approvals by the State as needed; and
- 10) that there be a sign on the cashier's window stating, "Elderly or handicapped or other individuals who request assistance in pumping gasoline will be assisted by the attendant."

(Chairman Murray, in favor; Selectman Fox, in favor; Selectman Donald, abstained.)

The site plan will not be released until the Building Inspector so agrees, in accordance with the above-noted conditions.

Utility Petition 83-5, Revised - Pantry Road

Present: Robert L. Blake, Boston Edison Company.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered Utility Petition 83-5, Revised, of Boston Edison Company 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 of the Town:

Pantry Road - On the northwesterly side, approximately 890 feet southwest of Haynes Road, a distance of about five feet - conduit - connection to existing Pole 15.

(Utility Petition 83-5 was heard at the Public Hearing on April 21, continued to May 2, 1983, when it was denied with the intent that a revised petition showing a change in the pole connection would be submitted at a later date.)

Executive Secretary Richard E. Thompson noted receipt of a joint favorable report dated June 15 from the Wiring and Building Inspectors.

It was on motion unanimously

VOTED: To approve Utility Petition 83-5, Revised, of Boston Edison Company, as noted above, and as shown on a plan entitled, "Plan of Pantry Rd. - Sudbury, Showing Proposed Conduit Location", dated May 12, 1983.

Executive Session

At 8:15 p.m. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing litigation where open discussion of the same may have a detrimental effect.

(Roll call vote: Chairman Murray, in favor; Selectman Donald, in favor; Selectman Fox, in favor.)

Chairman Murray announced that Open Session would reconvene following the Executive Session.

Site Plan 83-258, John Patti and Charles Orr, et al, 215 Boston Post Road

Present: Building Inspector Joseph E. Scammon; Fire Chief Michael Dunne; Mr. & Mrs. John Patti and Mr. & Mrs. Charles Orr; Gerald F. Fennell and James Dunwell, Project Managers of Datum Corporation, representing Bay Path Village.

In accordance with Article IX, Section V, Paragraph A, of the Sudbury Bylaws, the Board considered Site Plan #83-258 of John Patti and Charles Orr, et al, for property located at 215 Boston Post Road, Business District #2, for an office and retail complex.

Executive Secretary Richard E. Thompson stated that all appropriate abutters had been notified and noted receipt of the following communications - the first two had been received today and he gave copies of those to the Board:

- from Fire Chief Michael Dunne, dated July 11, 1983, raising five comments/recommendations for the Board's consideration;
- from Health Director John V. Sullivan, dated July 11, 1983, indicating that the site had been examined and stipulating that no food establishments would be allowed;
- from Building Inspector Joseph E. Scammon, dated July 7, 1983, recommending approval subject to three additional trees to be included in the landscaping at the street line (three are shown on plan, six are required and have been agreed to in a letter from the applicant to the Planning Board); the Building Inspector also questioned whether the proposed entrance curb cuts had been approved by the State Department of Public Works;
- from the Planning Board, dated July 5, 1983, recommending approval subject to parking and drainage recommendations set forth by the Town Engineer in his report of June 27, the installation of a railroad tie retaining wall on the westerly side of the site, confirmation that the percentage of lot coverage is within the zoning density regulation, and the landscape bylaw;

- from the Conservation Commission, dated July 1, 1983, indicating no jurisdiction;
- from the Town Engineer's office, dated June 27, 1983, recommending the following: 1) the elimination of the two parking spaces adjacent to the driveway entrance (one to be gained by a change in the configuration of two spaces between Buildings A & B for a total of fifty-seven, the minimum required under the bylaw); the installation of two catch basins in the driveway entrance to intercept surface runoff; and mandating the above-mentioned railroad tie retaining wall to prevent erosion across an otherwise steep slope;
- from Gerald F. Fennell, Project Manager of Datum Corp., dated July 5, 1983, written to the Planning Board, agreeing with the recommendations discussed at the Planning Board's meeting of June 27 regarding the change in the two parking spaces, the installation of the two catch basins, the installation of the retaining wall and the planting of three additional shade trees (as noted above). These items were verbally confirmed by Mr. Fennell.

At the suggestion of Selectman Donald, the applicant agreed to adjust the handicapped parking spaces so that the largest building would have the most.

During discussion of the Fire Chief's recommendations raised in his report of July 11, the applicant agreed to do the following:

- 1) show fire lanes on the site plan;
- 2) look into the installation of a six inch rather than a two inch water supply line for Building C;
- 3) place dumpsters a safe distance from building in location agreed upon.

Re-location of dumpsters will also eliminate "pile up" of rubbish because they will better serve all of the buildings, satisfying the Fire Chief's fifth concern.

After discussion, the Fire Chief indicated satisfaction with location of fire hydrants.

There was a brief discussion relative to the restriction of "wet uses" as specified by the Board of Health.

Relative to curb cuts, Mr. Thompson stated that a permit will be required from the State; Mr. Fennell stated they are trying to resolve that.

Selectman Fox expressed his opinion that this is a very dense development - one and one-half acres with three buildings - and suggested that the Selectmen may not want to continue with this density with respect to site plans in the future.

Responding to Selectman Fox and with reference to the Planning Board's recommendation as to checking compliance with zoning density regulation, Mr. Fennell submitted to the Board a July 11 communication from Colburn Engineering noting that there will be fifteen thousand square feet of open space. The Bylaw requirement specifies that, in business districts, open space must equal fifteen percent of the lot size, and in this case, only nine thousand square feet is required.

Responding to the Selectmen, Mr. Fennell stated that Building A would be occupied by the Pattis (offices upstairs), Building C by the Orrs (offices upstairs) less the wings which are to be leased, and Building B would be leased for retail and/or office use.

Mr. John Drobinski, 222 Boston Post Road, agreed with Selectman Fox relative to the density of the lot, brought up the safety issue at this dangerous section of Route 20, and cautioned the Selectmen to look at that traffic safety issue very seriously. He also asked if the Selectmen had requested police input with regard to this site plan.

Selectmen Fox and Murray responded, in part, by referencing the Town Engineer's June 27 communication, which did not indicate any traffic hazard there, but which did address a change to the site plan for a safer ingress/egress - his recommendation will help keep Route 20 traffic moving rather than hold up traffic in that area.

The Selectmen further stated that they do ask for police input if they feel there is a concern regarding safety in any particular area, but that relative to this site plan, they had not. A brief discussion followed.

Responding to Mr. George Max who questioned how building density is determined, the Selectmen indicated that the density includes the total square footage of all the usable floor space of the buildings, including first and second floors.

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

VOTED: To approve Site Plan 83-258 of John Patti and Charles Orr, et al, for property located at 215 Boston Post Road, as shown on a plan entitled, "Site Plan for Bay Path Village in Sudbury, Mass." dated May 23, 1983, revised June 15, 1983, subject to compliance with all governmental laws and regulations including, but not limited to, zoning, building, and health laws and regulations, and further subject to the following conditions:

- 1) those set forth in a June 27, 1983, communication from the Town Engineer's office relative to parking, drainage and railroad tie retaining wall;
- 2) that six shade trees be planted in the parking area;
- 3) that the uses be restricted to dry retail or office use (there are not to be any primary or auxiliary food establishments, beauty salons and/or car washes, etc.);
- 4) resolution of the concerns raised by the Fire Chief, in his communication of July 11, 1983, to Chief Dunne's satisfaction.

Responding to the applicant, Mr. Thompson stated that the Building Inspector should not give an occupancy permit until these conditions had been complied to. Selectman Fox added that a building permit should not be issued until all conditions are complied with. Approval is contingent upon a revised site plan being submitted to the Building Inspector, at which time the Board will sign the plan.

Site Plan #83-262, S. F. Doyle & Co., Inc., 321 Boston Post Road

In accordance with a request from S. F. Doyle, dated July 11, 1983, it was on motion by chairman Murray unanimously

VOTED: To table by mutual consent to July 25, 1983, at 8:00 p.m., Site Plan 83-262 of S. F. Doyle & Co., Inc., for property located at 321 Boston Post Road, for the purposes of allowing the applicant to respond to the Town Engineer's recommendations relative to drainage.

Site Plan #83-257, Hilco Supply, Inc., 378 Boston Post Road

Present: Building Inspector Joseph E. Scammon; Thomas Murphy and Paul J. Fantoni, Hilco Supply, Inc.; Aleta F. Cane and George D. Max, Goodnow Library Trustees.

In accordance with Article IX, Section V, Paragraph A, of the Sudbury Bylaws, the Board considered Site Plan Application #83-257 of Hilco Supply Inc., owned by Pauline Fantoni, for property located at 378 Boston Post Road, Residential District A-1, Building District 4, and Industrial District 2, for storage use in the residential zone.

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

- dated July 6, 1983, and May 18, 1983, from the Town Engineer, recommending approval conditioned upon the restriction that storage or work areas be outside the Flood Plain Zone, Board of Appeals action relative to the use of the land in the Residential Zone, and fabric screening woven into existing chainlink fence as a visual border;



- dated May 26, 1983, from the Board of Health indicating that the site plan does not show the location of the septic system, and stating that Board of Health records indicate it was installed in the area of Legend K;
- dated June 16, 1983, from the Building Inspector recommending approval in order that the applicant can petition the Board of Appeals for a variance or special permit to legally occupy Residential District A-1 for storage. (This area is currently used in violation of the Zoning Bylaw.);
- dated June 7, 1983, from the Planning Board also recommending approval in order to allow application to the Board of Appeals;
- dated June 7, 1983, from the Conservation Commission, with a later note on July 8, which indicated that it had reviewed the revised plan showing the contour and has determined that it has no jurisdiction;
- dated June 22, 1983, from Paul J. Fantoni, Hilco Supply, Inc., explaining that because of a misunderstanding/miscommunication, Hilco was not represented at the Board's previously scheduled hearing date of June 20 and requesting rescheduling to July 11;
- dated May 19, 1983, from Aleta F. Cane, the then Chairman of the Board of the Goodnow Library Trustees, opposing Hilco's violation of the Zoning Bylaw and any action by them to obtain a use variance or special permit to continue its commercial use of the land which abuts the Library, and supporting the Building Inspector's cease and desist order to Hilco.

(Later, at the request of the Executive Secretary, Ms. Cane submitted a copy of the May 4, 1983, minutes of the Library Trustees at which the Trustees agreed that a complaint in writing regarding Hilco's zoning violation should be forwarded to the Building Inspector, the Board of Appeals, the Selectmen and the Conservation Commission.)

- dated July 8, 1983, from area resident Clifford Hughes, raising several questions/concerns regarding increased storage, use of residential, commercial, and industrial land, and replacement of stockade fence.

Mr. Thompson reviewed Town Counsel's office verbal opinion to the questions raised by Mr. Hughes, in part, as follows: a fuel storage tank cannot be used on residential land unless it is a pre-existing, non-conforming use, or there is a variance; and regarding amount of storage allowed in various areas - the bylaw does not address the amount in a residential area but accessory use is permitted; in an industrial area storage can be the same as the building area; and in a business zone, i.e. merchandise, storage must be less than ten percent of the building area.

Selectman Donald asked where the septic system is located. Mr. Thompson stated that there is a separate plan showing the septic system in the Selectmen's office. That system is used by four different properties and all drainage is to

a leaching system on Hilco's property. This system, Mr. Thompson stated, has been in use for a long time, and the Board of Health has no concern except that if anyone were to expand it, they would have to notify the Board of Health and receive approval as to the adequacy of the system. It was agreed that the applicant would amend the site plan to show the location of the septic system. (Later the Board agreed to sign the plan but not release it until that change was made.)

Responding to Selectman Fox regarding the revised plan, Mr. Thomas Murphy, for Hilco Supply, stated that the plan now notes the flood plain and the flood hazard area, as requested by the Town Engineer. (See Town Engineer's letter dated May 18, 1983.)

Responding to Selectman Fox relative to the outstanding cease and desist order against Hilco issued by the Building Inspector, Mr. Scammon replied that he has been lenient in that the original owners had received a variance from the Board of Appeals in 1965 for storage on the portion of land which is zoned residential but that the variance was never renewed. Mr. Scammon continued to say that, since there is a history of that land being used for storage, he is in favor of approving the site plan so that the applicant can apply to the Board of Appeals (with the approved site plan) for a variance or special permit.

Mr. Paul J. Fantoni, of Hilco Supply, responded to Selectman Fox that the property had changed hands in May, 1979.

Also responding to Selectman Fox as to how much more intense the storage in the residential area has become since that time, Mr. George Max expressed his opinion that there has been no increase in storage. Mr. Fantoni added his agreement and stated that certain supplies had been moved around; also, that some improvements had been made.

Responding to Selectman Donald, who asked if Hilco had increased their hours of operation, Mr. Fantoni stated they have been open on Saturday for half a day but this has not increased traffic. Also responding to Selectman Donald, Mr. Fantoni stated he is aware of Mr. Hughes' feelings, tries to keep the noise/activity to a minimum, is trying to be cooperative, and would like to stop aggravating everybody.

With respect to fencing around the property, Mr. Max stated that the Library Trustees would prefer a stockade fence indicating that it is their preference to have the area shielded from view of the library property.

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

VOTED: To approve Site Plan #83-257 of Hilco Supply, Inc., owned by Pauline Fantoni, for property located at 378 Boston Post Road, as shown on a plan entitled, "Site Plan in Sudbury, Mass.", dated March 28, 1983, revised June 6, 1983, subject to compliance with all governmental laws and regulations including, but not limited to, zoning, building, and health laws and regulations, and further subject to the following conditions:

- 1) that a fabric screening be woven into the existing fencing on the north, east and south sides, including the gate, of the property;
- 2) that there be no fuel storage tanks in the residential areas unless there is a variance or a legal non-conforming use;
- 3) that all zoning bylaw provisions concerning outside storage be complied with;
- 4) that the outside storage and work areas not include the flood plain zone;
- 5) that the underground fuel storage be continually monitored by the Board of Health; and
- 6) Board of Appeals approval with respect to the outside storage in the residential zone; this site plan approval is given strictly to allow the petitioner to go before the Board of Appeals.

Chapter 61A Property-First Option to Purchase (Hudson and Old Lancaster Roads)

On the question of exercising the Town's option to purchase under G. L. c.61A, s.14, approximately 4.38 acres (Lots B, C, D, and E, Hudson Road and Old Lancaster Road) presently under Chapter 61A tax abatement, pursuant to a communication dated June 15, 1983, from owner Hazel Hodder Rowe, Executive Secretary Richard E. Thompson noted receipt of the following communications all expressing no interest in the first option to purchase: from the Conservation Commission, dated July 11; the Board of Assessors, dated June 24; and from the Planning Board, dated June 21, 1983.

It was on motion by Selectman Donald unanimously

VOTED: To notify Hazel Hodder Rowe that the Selectmen do not have any interest in exercising the first option to purchase under G. L. c.61A, s.14, for the above-noted property.

FY83 Transportation Improvement Program

The Board noted receipt of a communication dated June 2, 1983, from the Metropolitan Planning Organization (MPO) enclosing the revised FY1983 Transportation Improvement Program (TIP) as endorsed by the MPO which includes highway amendments through April 1983 and, by reference, the FY1982 highway element.

Selectman Fox questioned the schedule as it pertains to the widening of Route 20 in Sudbury. Following discussion the Board directed the Executive Secretary to communicate to the MPO the urgency of this construction.

128 West Resource Recovery Council Meeting

The Board acknowledged receipt of a communication and materials from David W. Jackson, Chairman, 128 West Resource Recovery Council, relative to the informational meeting in Needham, July 13, 1983, pertaining to the construction of a resource recovery facility to serve the region.

Executive Secretary Richard E. Thompson stated he would be attending that meeting with Lawrence Gogolin (Council representative) and would update the Board following that meeting.

Compensation - Plumbing and Gas Inspector

The Board was in receipt of a communication dated June 1, 1983, from Building Inspector Joseph E. Scammon relative to a request from the Plumbing and Gas Inspector that his salary (retainer) be included in the salary plan and thereby be increased annually along with other non-union employees.

Selectman Murray commented that he did not know how much the Plumbing and Gas Inspector received annually in fees and how many hours he actually worked. Mr. Thompson stated that he would contact the Building Inspector regarding this information, and pending receipt of the same, the Board tabled the matter until July 25.

On the subject of fees in general, Selectman Fox asked that the Executive Secretary provide him with a list of the current fees which are charged by the Town on the basis that these may need to be updated/raised.

Taxi Business/Limousine License

Upon the verbal recommendation of Police Administrative Assistant Peter Lembo, it was on motion unanimously

VOTED: To renew the taxi and limousine service license for AAA Limousine Service Inc., Edmund R. Brown, President, 38 Station Road, Sudbury, and approve the rates of \$4.00 minimum (first 2.5 miles), \$1.50 each mile thereafter; \$30 one way to Logan Airport by limousine; limousine rental \$90 minimum, \$30 per hour, as quoted in his application received June 27, 1983.

The above license is granted subject to written approval from the Police Chief and accepted upon the express condition that the licensee shall, in all respects, conform to all of the rules and regulations as made by the licensing authorities under the provisions of Chapter 40, section 22 of the General Laws, as amended, and shall expire June 30, 1984, unless earlier, suspended, cancelled, or revoked. Approval is also subject to the Board's approval of any notification by the licensee of all future changes in driver personnel, with character verification for the individual drivers to be determined by the Police Chief.

Use of Heritage Park

The Board acknowledged receipt of a communication dated June 17, 1983, from Karl H. Michels, President, Sudbury-Wayland Lions Club, relative to the use of Heritage Park on a yearly basis, beginning July 4, 1984, to hold a "Yankee Doodle Yard Sale" benefiting Lions Club sponsored charities.

On the recommendation of Chairman Murray, the Board directed the Executive Secretary to confer with John C. Powers, Chairman of the Sudbury Historical Commission, as to whether or not they intend in the future to continue their past practice of holding Fourth-of-July Yankee Doodle Yard Sales, and in the event that they do not, whether or not they endorse the Lions Club request to do so.

Selectman Donald asked that the Board receive a vote of the Sudbury Historical Commission on the same; additionally, that if the Lions Club's request is granted, a percentage of their earnings should be given to the Hosmer House Memorial Fund.

License

It was on motion by Selectman Fox unanimously

VOTED: To confirm the Board's telephone votes of June 30, 1983, approving:

- a. Transfer Request #1117, dated June 30, 1983, from the Reserve Fund to Acct. No. 501-12, Selectmen's Overtime and Extra Hire, in the amount of \$126.34, for the completion of final minutes; and
- b. An application for a Hawker's & Peddler's License received from Edward Denning, 22 Pinckney Street, Boston, Massachusetts, for one day only, July 4, 1983, to sell balloons, flags, music boxes, souvenirs, etc., at 5 Concord Road, with permission of the owner J. MacKinnon.

Certification of Highway Monies

It was on motion by Selectman Fox unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to sign a certification of highway monies voted at the 1983 Annual Town Meeting for Fiscal Year 1984 construction, maintenance, and policing of streets and roads, in accordance with Chapter 81, section 31 (State Aid - Highways), as amended by Section 13, Chapter 497 of the Acts of 1971, and to forward the same to the Massachusetts Department of Public Works.

Revised Site Plan Rules and Regulations

At the direction of the Board at its May 16 meeting, Executive Secretary Richard E. Thompson had forwarded the Selectmen's proposed amendments to the Site Plan Rules and Regulations to the appropriate Town Boards and Officials for comment. Mr. Thompson stated that all had indicated concurrence with the drafted amendments and the Planning Board offered two additional amendments - 1) requiring that the applicant attest that his site plan would have no significant effect on the environment, and 2) that based upon information submitted, and Environmental Impact Statement may be requested. The Board disagreed with the first recommendation on the basis that it is too broad a statement as worded and agreed that the second recommendation was not acceptable since the 1983 Town Meeting had just rejected amendment of the Bylaws to include such a statement. (Article 13, 1983ATM)

It was on motion by Chairman Murray unanimously

VOTED: To approve the amended draft of the Site Plan Rules and Regulations, as drafted by Town Counsel's office and approved by the Board on May 16.

The Executive Secretary was directed to contact the Planning Board expressing the Board's appreciation for its comments and explaining the reasons why the Board chose not to adopt them, also to suggest that the Planning Board work with Town Counsel to prepare an amendment to the Bylaws relative to an Environmental Impact Statement for submission to a future Town Meeting if they feel strongly about the issue.

Tax Anticipation Notes

It was on motion by Chairman Murray unanimously

VOTED: To confirm the July 5th signing of Tax Anticipation Notes dated July 14, 1983, and due August 15, 1983, in accordance with a communication from Town Treasurer Chester Hamilton dated July 1, 1983, and the Selectmen's vote of June 20, 1983, as follows:

Bank of New England	3.79%	200M
Bay Bank Trust Co. - Middlesex	4.08%	200M

Temporary License - M. S. S. Indulgence Society

It was on motion by Chairman Murray unanimously

VOTED: To grant the following licenses to the M. S. S. Indulgence Society, Costantino Arpino, Treasurer, for one day only, Sunday, July 24, 1983, between the hours of 11:00 a.m. and 10:00 p.m. at the Mossman Road Sanctuary, and to waive the fee for the same: a) Frozen Desserts, Ice Cream, etc., on the Lord's Day; b) Wines and Malt Beverages.

Vigil - Inter-Faith Committee Against Nuclear War

In accordance with a request from Debbie Hawes, on behalf of the Sudbury Inter-Faith Committee Against Nuclear War, dated July 8, 1983, it was on motion unanimously

VOTED: To approve that Committee's use of the Town Common for a vigil on August 6, 1983, from sunrise (6:00 a.m.) to sunset (8:00 p.m.), and for one, 3X4 V-sign describing the event provided that neither the people nor the sign obstructs the vision of motorists.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of June 20 and the Special Meeting of June 29, 1983, both as amended.

Site Plan #83-259, Project Management, Inc., Lots 3 & 4 Powder Mill Road

On the recommendation of Selectman Fox, it was on motion unanimously

VOTED: To amend the Selectmen's vote of June 20 relative to Site Plan 83-259 of Project Management, Inc., for property known and numbered as Lots 3 & 4, Powder Mill Road, approved by the Board June 20, 1983, by adding as condition #13 the following:

13. An easement for access to the Sudbury Water District land shall be granted along the existing cart path by New England Business Properties Inc. on Lot 4R-A and by North Sudbury Real Estate Trust on Lot 1R-A.

Executive Secretary Pro Tem

On the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To retroactively appoint Elaine Jones, as Executive Secretary Pro Tem, during the absence of Executive Secretary Richard E. Thompson, for the purposes of attesting to the minutes of the Board of Selectmen's meeting of June 29, 1983.

Loring School Lease

It was on motion by Chairman Murray unanimously

VOTED: To approve the lease between the Town of Sudbury and the Sudbury Community Arts Center, Inc., for the Loring School from July 1, 1983 through June 30, 1984, submitted under cover letter from Assistant Town Counsel dated July 11, 1983, subject to further review by the Board, comment and finalization by Town Counsel.

B'nai Torah - Use of Loring School

With regard to a July 11 communication from The B'nai Torah Real Estate Search Committee inquiring about the use of the Loring School for its congregation, the Board directed Mr. Thompson to respond to that Committee that the Board intends to lease the Loring School to the Sudbury Community Arts Center, Inc., suggesting that they may want to contact Mr. Laury Hammel who is representing the group.

Mr. Fox stated, and the Board agreed, that all options for the long-range future use of Loring School should remain viable until Town Meeting determines its ultimate disposition. On this basis, the Board agreed to meet with representatives of B'nai Torah sometime in the near future.

Remaining Annual Appointments

The Board agreed to table action on the remaining annual appointments.

S. A. D. D. Signs

On the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To approve the use of two signs, designed under the direction of the Lincoln-Sudbury Regional High School Chapter of Students Against Driving Drunk (S. A. D. D.), as standard community signs, to be located at the Route 20 and 117 Fire Station, which will replace the permanent energy signs for the time being.

Landfill Equipment

Selectman Donald noted receipt of a communication dated June 21, 1983, from Highway Surveyor Robert A. Noyes regarding landfill equipment and questioned proceeding with a compactor versus a dozer as recommended in said communication. Executive Secretary Richard E. Thompson responded that, based on discussion with the Highway Surveyor and current experience with surrounding towns, it is their collective opinion that they should proceed as Mr. Noyes is recommending.

Legislative Bills

In answer to Selectman Donald's inquiry regarding Selectmen support of the Massachusetts Municipal Association's (MMA) position on certain legislative issues (Pass Through of Regional School Funds: Right to Know Bill: MDC Assessments) as communicated by letter dated June 17, 1983, from MMA Executive Director James W. Segal, Mr. Thompson replied that he believed the Selectmen had previously expressed their support and would advise the Board at its next meeting.



Eagle Scout

In response to an invitation to an Eagle Court of Honor on August 19th for David S. King of Sudbury Boy Scout Troop 76, received under date of July 6, 1983, from Scoutmaster Dale W. Schubert, Selectman Murray stated his willingness to attend on behalf of the Selectmen.

Maynard Communication - Powder Mill Road

The Board acknowledged receipt of a copy of a communication to the Metropolitan Area Planning Council from the Maynard Board of Selectmen dated July 7, 1983, requesting assistance in addressing traffic problems in the Powder Mill Road area. Mr. Thompson noted that the Sudbury Selectmen had declined the MAPC's offer to provide technical assistance in the form of a traffic study, and that a copy of the communication to the MAPC had been forwarded to the Maynard Selectmen.

Change Meeting Date

It was on motion by Selectman Fox unanimously

VOTED: To cancel the August 8 Selectmen's meeting and reschedule the same to August 1, 1983.

There being no further business to come before the Board, the meeting was adjourned at 11:30 p.m.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk