

IN BOARD OF SELECTMEN
MONDAY, JUNE 20, 1983

Present: Chairman John E. Murray, Anne W. Donald, and Myron J. Fox.

The statutory requirement as to notice having been complied with, the meeting was called to order at 7:30 p.m. by Chairman Murray.

Tax Anticipation Notes

Present: Town Treasurer Chester Hamilton.

In accordance with a communication dated June 16, 1983 from the Town Treasurer the Board approved and signed renewal Tax Anticipation Notes totaling \$900,000, dated June 30, 1983 and due August 15, 1983, as follows:

Guaranty First Trust Co.	4.76%	\$250,000
Bay Bank Middlesex	4.87%	\$650,000

The Board discussed with the Treasurer his second communication of June 16 requesting approval of further short-term borrowing to cover year-end expenses. Upon question, Mr. Hamilton stated he anticipated borrowing again early in the next fiscal year and noted that renewal borrowing rates are higher than those on new notes.

It was on motion by Chairman Murray unanimously

VOTED: To authorize the Treasurer to borrow \$400,000 in Tax Anticipation Notes to be dated July 14 and due August 15, 1983.

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

Present: Representatives of Project Management, Inc., Brian Pettigrew and Gregory Rochlin; Building Inspector Joseph E. Scammon; Town Engineer James Merloni; and several abutters.

In accordance with Article IX, Section V, Paragraph A, of the Sudbury Bylaws, the Board considered Site Plan Application #83-259 of owner and developer Project Management, Inc., for property known and numbered as Lots 3 and 4, Powder Mill Road, zoned Limited Industrial, which was accepted for filing May 11 and expires July 9.

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

- 1) From the Board of Health, dated June 20, 1983, recommending approval subject to a) a letter of commitment to the Board of Health that town water supply will be extended to Lots 3 and 4, b) installation of a monitor well in a location designated by the Town Engineer, and c) receipt of a report concerning the use of potentially toxic or hazardous chemicals on site.

- 2) From the Town Engineer, dated June 20, 1983, recommending disapproval until the landscaping bylaw provisions and discontinuance of Powder Mill Road have been addressed.
- 3) From the Building Inspector, dated June 16, 1983, recommending approval.
- 4) From the Planning Board, dated June 7, 1983, recommending conditional approval.
- 5) From the Conservation Commission, dated June 16, 1983, noting that a corner of the proposed building may be within the FEMA Flood Plain boundary. (Executive Secretary Thompson stated that the Town Engineer had checked the maps and found it not to be within the flood plain. The Town Engineer later confirmed this explaining that the Final Flood Hazard Rate Maps show a change from the original Federal Flood Hazard Maps.)
- 6) From the Steering Committee of the Safety of Our Streets Committee, dated May 27, 1983, stating that said Committee made up of residents from the Powder Mill Road area supports a site plan which meets town requirements providing that the first step in development is the construction of cul-de-sacs on Powder Mill Road.

The Executive Secretary referenced a letter on file from Project Management, Inc., dated February 14, 1983, agreeing to the following as conditions of site plan approval, which Mr. Pettigrew then reaffirmed:

1. Project Management will construct, at its expense, all cul-de-sac turn-arounds, the access road and gate and any additional site improvements and landscaping to adequately perfect the closure according to the reasonable dictates of the Town of Sudbury.
2. As a Deed Restriction running with the limited industrial and residential parcels, Project Management will covenant that no road will be constructed on either parcel which will in any way re-join the Powder Mill Road cul-de-sac.
3. At the Town of Sudbury's option, by a similar covenant running with the limited industrial parcel, Project Management will bind itself and its successors and assigns to the perpetual requirement to provide for the snow plowing of Powder Mill Road on the industrial side and the emergency access way to a standard acceptable to the town.

Mr. Brian Pettigrew presented Site Plan 83-259 for Project Management, Inc., for construction of a two-story, 51,283 square feet building, Phase 1 for development of Lots 3 and 4, stating that the plan before the Board this evening was identical to SP81-234, previously approved on September 28, 1981 and denied extension on October 4, 1982.

Mr. Pettigrew submitted copies to the Selectmen of the following:

- 1) A proposed vote for the Board's consideration.
- 2) A letter of commitment to the Board from Erik L. Fleming, Trustee for North Sudbury Real Estate Trust, dated June 17, 1983, stating its intent to give title to the Town to 142± square feet on its land (Lot 1R-A) to provide access from Powder Mill Road to the proposed cul-de-sac right-of-way on abutting Lot 4R-A.
- 3) A letter from Project Management to the Board of Health dated May 19, 1982, and reaffirmed June 20, 1983, agreeing to a) constructing a water supply line to bring Town water to the site, and b) placing a groundwater monitoring well at a location satisfactory to the Board of Health, Conservation Commission and other Town representatives, and stating that on-site sanitary disposal will contain human waste only and no disposal of potentially toxic or hazardous chemicals are contemplated at this time.
- 4) Plans showing proposed cul-de-sacs and emergency access way, Sheets 1 and 2, dated June 17, 1983, and drawn by Clyde R. Wheeler, Inc., and Bruce M. Stamski, P.E.

Mr. Pettigrew displayed the site plan and drawings of the two proposed cul-de-sac turnarounds and the connecting emergency access road. He explained that the location of the northerly cul-de-sac is proposed on Lim. Ind. Lot 1-A, which area would be deeded to the Town as an easement in order to maintain the necessary acreage to meet the requirement of an industrial lot. The second turnaround would be located on Project Management's residential lot 4R-A, and this area would be deeded outright to the Town. A small piece of land needed for extension of this second turnaround would be deeded to the Town by the neighboring owner, North Sudbury Real Estate Trust. In return, Project Management intends to deed said Trust additional frontage along the turnaround, which will also help to secure and police the turnaround. Mr. Pettigrew informed the Board of his intention to submit site plans for Lot 1-A and the northerly end lot in the immediate future. He further stated that an easement for water lines would be given over Lot 1-A and the possibility of giving the Town residential lot 4R-A as a buffer to the development if a setback variance is received for industrial Lot 1-A.

Concerning the site plan for Lots 3 and 4, Mr. Pettigrew noted that one hundred and twenty parking spaces were proposed and the potential for one hundred and eighty parking spaces on this site. He also stressed there were no plans for any disposal of waste other than human waste. He later stated that this restriction would be written into lease agreements and that tenants would be essentially offices and research and development businesses.

Summarizing, Mr. Pettigrew read his "Proposed Board of Selectmen Vote", which set forth five conditions and stipulated a five-year effective approval period; and Mr. Pettigrew informed the Board he was unaware of the landscaping requirements, but would be willing to address the same to the Board's satisfaction. He also agreed to work with the Planning Board and Town Engineer in obtaining approval of the cul-de-sac plans. He further noted that the Order of Conditions under the Wetlands Protection Act had been extended.

Gerald Morse, member of the SOS Committee, inquired about the order of accomplishing the cul-de-sacs and the development, stressing the need for the cul-de-sacs to be completed first.

Mr. Pettigrew replied that any of their buildings (whether the site plan being discussed or a future one) would have the same requirements attached to it, whichever one is built first, and the work on the cul-de-sacs would be concurrent; however, water lines would first need to be installed.

Town Engineer James Merloni expressed his concern that this section of Powder Mill Road is no longer a public way and the possibility of liability if the road is kept open without proper maintenance.

Chairman Murray stated that the matter of the discontinued way should be reviewed by the Town Engineer and Town Counsel for engineering and procedure.

Roger Murray, Manager of Ye Olde 117 House restaurant, expressed his opposition to the site plan being approved because of his desire, as a business owner and as a resident of Maynard, to leave Powder Mill Road open.

A resident of Willard Grant Road stated her opinion that Route 62 was already overburdened and was a problem which must be addressed whether or not Powder Mill Road is closed.

Gerald Morse, speaking for the majority of the SOS Committee, stated support for the site plan under consideration.

On the subject of Project Management's request for site plan approval to be effective five years, following a review of Art. IX,V,A of the Zoning Bylaws it was agreed by the Board that the initial approval should be limited to one year. Mr. Pettigrew stated that they were asking for some predictability about their future, given their investment in developing this 34-acre area.

It was on motion by Selectman Fox unanimously

VOTED: To approve Site Plan #83-259 of Project Management, Inc., for property known as Lots 3 and 4, Powder Mill Road, Limited Industrial District, owned by Project Management, Inc., shown on a plan entitled, "Site Plan Proposed Building Powder Mill Road Sudbury, MA.", dated July 10, 1981, revised July 23, 1981, 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, all of which shall be done at the petitioner's expense:

1. Relative to the discontinuance of Powder Mill Road voted under Article 25 of the 1983 Annual Town Meeting:
 - a. Project Management, Inc., and its successors in title shall construct at its and their sole expense the turnarounds, access road, and gates on the respective lots as shown on a plan entitled "Powder Mill Road Sudbury, MA. Definitive Plan", prepared by Clyde R. Wheeler, Inc., dated June 17, 1983,* according to the standard Town of Sudbury specifications, and subject to approval by the Town Engineer and Town Counsel.
 - b. The south turnaround (approximately 0.373 acres R.O.W Parcel "B") to be deeded to the Town by New England Business Properties, Inc. and an easement for the north turnaround (approximately 0.324 acres) to be given to the Town by Project Management, Inc.
 - c. Right of Way Parcel "A" on Lot 1R-A (142[±] square feet) to be deeded to the Town by North Sudbury Real Estate Trust.
2. Project Management, Inc., and its successors in title to Lots 3 and 4 shall maintain and snowplow the turnaround on Limited Industrial Lot 1-A, shall maintain and snowplow the portion of Powder Mill Road northerly thereof to the town line, and shall maintain and snowplow the emergency access way, to a standard acceptable to the Town.
3. Subdivision approval relative to the Powder Mill Road discontinuance and cul-de-sacs by the Planning Board.
4. No road will be constructed by Project Management, Inc., or its successors in title on Lots 3 and 4 or other lots now owned by Project Management, Inc., or its affiliate New England Business Properties, Inc., owner of lot 4R-A, which would give access from the southerly portion of Powder Mill Road to the Industrial Park. This will be accomplished by deed restrictions approved by Town Counsel.
5. No salt or chemicals will be used during snow removal on the parking area and walkways.
6. Placement of utilities shall be underground.
7. Seeding and loaming of the proposed future expansion areas if construction does not take place within two years after the date of this vote.
8. Amendment of the plan to comply with the planting requirements of the landscaping bylaw, and the remainder of frontage to be loamed and seeded.
9. Town water to be extended to the proposed lots.

* NOTE: Revision date, June 27, 1983 - see July 11, 1983 minutes.

10. A monitor well to be installed on the property at a location designated by the Town Engineer.
11. Any use in the manufacturing or assembly or other process of potentially toxic or hazardous chemicals on site to be approved by the Board of Health.
12. Project Management, Inc., (or New England Business Properties, Inc.) shall make a gift to the Town of Lot 4R-A (2.886[±] acres) as shown on the above-noted plan dated June 17, 1983 by Clyde R. Wheeler, Inc., to act as a buffer zone, if the petitioner receives a variance for Lot 1-A currently being advertised as Case #82-13 by the Board of Appeals.

This site plan approval shall remain in effect for a period of one year from the date of this vote and shall be subject to extension upon application and further hearing as provided by the Town of Sudbury Zoning Bylaws. The Board may look favorably upon an extension of the one-year approval if extensive work is done on the site.

Site Plan 83-256, Stanmar, Inc., 68 Old County Road

Building Inspector Joseph E. Scammon informed the Board that the above-captioned site plan had been updated in accordance with the Board's vote of June 6, 1983. Also filed with the final plan was a letter dated June 20, 1983 from Stanmar, Inc. concerning amendments made to the plan and a commitment regarding the catch basin.

It was on motion unanimously

VOTED: To sign Site Plan #83-256 of Stanmar, Inc., for property located at 68 Old County Road, owned by Stanley W. Snider, entitled, "Site Plan of Land in Sudbury, Mass.", dated April 8, 1983, pursuant to the Board of Selectmen's vote of site plan approval on June 6, 1983.

Site Plan 83-254, Carolyn J. Mugar, Boston Post Road

Building Inspector Joseph E. Scammon informed the Board that the above-captioned site plan had been amended in accordance with the Board's vote of June 6, 1983.

It was on motion unanimously

VOTED: To sign Site Plan #83-254 of Carolyn J. Mugar, for property located at 505 Boston Post Road, for expansion of the Sudbury Plaza Shopping Center, entitled, "Shopping Center at Sudbury Plaza, Boston Post Road, Sudbury, Mass.", sheets C-1 through C-6, dated February 18 and revised May 6 and May 17, 1983, pursuant to the Board of Selectmen's vote of site plan approval on June 6, 1983.

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

Present: Building Inspector Joseph E. Scammon and Town Engineer James V. Merloni.

In accordance with Article IX, Section V, Paragraph A, of the Sudbury Bylaws, Chairman Murray convened a hearing to consider Site Plan Application #83-257 of Hilco Supply, Inc., owned by Pauline Fantoni, for property located at 378 Boston Post Road in zones Res. A-1, BD-4, and ID-2, which was accepted for filing May 9 and expires June 22, 1983.

Executive Secretary Thompson stated that all appropriate Town officials and abutters had been notified and referenced communications from the Library Trustees and Boards and Departments which had submitted reports.

At this time it became apparent that no-one had appeared for the applicant. There was a question as to whether or not the applicant had been properly notified of tonight's hearing, and the Board asked that this be determined.

Following discussion, it was on motion unanimously

VOTED: To table discussion and extend Site Plan Application #83-257 of Hilco Supply, Inc., for property located at 378 Boston Post Road, to July 11, 1983, at 9:15 p.m., provided consent is received from the applicant for said extension; otherwise Site Plan Application #83-257 is hereby denied without prejudice.

NOTE: Extension of the above site plan was later agreed to by the applicant and confirmed in a communication dated June 22, 1983.

Public Meeting: Traffic Safety - New Subdivisions

Present: Planning Board members: Chairman Theodore Theodores, Olga Reed, Ralph Hawes, and Lael Meixsell; Highway Surveyor Robert Noyes; Police Administrative Assistant Peter Lembo and Police Safety Officer William Carroll; Town Engineer James Merloni; approximately twenty residents.

Chairman Murray opened a public meeting which had been scheduled at the request of the Planning Board to discuss traffic safety issues relating to new subdivisions.

Executive Secretary Richard E. Thompson stated that notice of the meeting had been sent to all abutters to subdivisions considered by the Planning Board during the past seven months and briefly explained that the Board of Selectmen can try to improve traffic safety in problem areas by amending the Town's Traffic Rules and Orders implementing traffic control measures such as stop signs, creating speed limit zones, and/or requesting the Police Department to give priority to speed radar.

Chairman Ted Theodores informed those present that the Planning Board's decision to request a meeting with the Board of Selectmen resulted from its deliberations on the Oak Meadows subdivision off Peakham Road. During the subdivision hearing the question of how the new development would impact safety on Peakham Road kept coming up. They held additional meetings and requested extra engineering to be sure of conformance with Planning Board/subdivision rules and regulations. It was found that the subdivision road plans were precisely within all guidelines and regulations; however, if vehicles were to travel a few miles per hour faster than allowed, the plans became unsafe. The question then is whether the developer is asked to go beyond the letter of the law in what is required or does the Town do something else. Chairman Theodores concluded his remarks by stating that, since this dilemma is not isolated to Peakham Road, the Planning Board felt discussion in a public forum with the Selectmen and public safety officials would be helpful in an attempt to address concerns which had been raised by residents.

Mr. Bernard Worne, 10 Whispering Pine Road, read a proposal, dated June 20, 1983, signed by himself, David and Celia Fine, Gilbert Wright, and Demetrios Frankos, for installation of stop signs, as follows:

- "1. Installation of a STOP sign on Peakham Road at the southern most corner at the intersection of Whispering Pine and Peakham.
2. Installation of a SLOW STOP AHEAD or similar sign to alert drivers approaching Whispering Pine northbound on Peakham that a STOP sign exists over the crest where Peakham drops off on its approach to Whispering Pine.
3. Installation of a STOP sign at the northern point (southbound side) on Peakham where it intersects with the new road under construction to serve the new subdivision planned for construction west of Peakham on the former Noyes property."

The proposal would slow and stop north and southbound traffic on Peakham Road at intersecting roads where sight distance is poor.

Chairman Murray stated that this and any other proposals would be reviewed by the Town Engineer and the Police Department.

Mr. Demetrios Frankos, a new resident on Peakham Road (#144) at the intersection of Bent Road suggested three-way stop signs at his intersection to stop speeding traffic and to make it safer for bicyclists who frequently use this location to cross Peakham Road.

It was explained by Town officials that it would be most unlikely for the State Department of Public Works to approve signs stopping the through traffic on Peakham Road, since the State follows national guidelines which mandate the placement of stop signs on the least traveled way. In addition, it was noted

the State will not look favorably upon three and four-way stops. The Executive Secretary said the State, in considering any request, would perform a field inspection, following certain guidelines and standards for the location of stop signs, etc. He stated it is possible that in certain areas the Town would only be able to address speed control.

Town Engineer James Merloni stated that, if the Town were to act in violation of State regulations it could lose State highway funds. Celia Fine, 4 Whispering Pine Road, questioned the State's procedure in approving or disapproving local requests and disagreed with the premise that accident statistics should be needed for justification. Chairman Murray replied that the State is cooperative and will look carefully at the road configuration, etc. in reviewing petitions.

Selectman Fox assured those present that it is the Board's intention to determine what is feasible, develop a consensus and pursue whatever course of action is determined best. In answer to the many questions raised, he said that the Town would have very few legal options available to it to dispute a State disapproval.

Mrs. Karel Simms, 499 Peakham Road, residing at the corner of Peakham and Old Lancaster Roads, complained of speeding vehicles and the danger on this intersection.

Highway Surveyor Robert Noyes stated that many improvements had been made to the Old Lancaster/Peakham Road intersection, although it is still dangerous due to speeders and those who ignore stop signs. He also said that the day lilies recently planted by a property owner at this intersection create a new hazard and should be removed.

Gilbert Wright, 266 Peakham Road, described the danger of speeding cars traveling southerly on Peakham Road colliding with cars entering from Whispering Pine Road and the additional danger created by the entrance of the new subdivision road, making a crossing traffic situation. He recalled there is a school bus stop over the brow of the hill.

Planning Board member Olga Reed expressed her opinion that Sudbury should be tougher on enforcement of speed limits to create a "reputation" to deter speeders. Planning Board Chairman Ted Theodores also called for stricter enforcement, stating his feelings that Sudbury has a serious problem townwide.

Chairman Murray informed those present that traffic safety and public safety have been a top priority with the Board of Selectmen and in this regard budgets and manning have been supported for the Police Department.

Martin Craine, 243 Maynard Road, brought to the Board's attention the danger of cars speeding and passing on Maynard Road in the area where a new development road intersects. He recommended keeping the double lines painted on Maynard Road.

Executive Secretary Ed Thompson expressed his opinion that the real answer to the concerns expressed is enforcement of speed limits and noted the benefit of publicity on this issue by tonight's meeting.

The fact that school bus routes have been dropped, requiring fewer bus stops and longer walking distances for children caused concern for greater traffic safety on Peakham Road by one resident.

Mrs. Hal Kaplan, 10 Barnet Road, inquired about the use of speed humps on Powers Road. The Town Engineer and Selectmen explained the plan was to try them on an experimental basis in only one location - Dudley Road - and there were questions still to be answered.

Paul Frisoli, 45 Woodmere Road, expressed three concerns relative to the new development in his area: 1) the incline and turn off the end of Woodmere Drive will be dangerous, particularly in icy conditions; 2) there are no sidewalks in the Woodmere Drive area; and 3) approximately fourteen more cars will travel Morse Road due to the new subdivision. He asked the Planning Board to discuss having the subdivision come in from another direction to stop a potential problem. Planning Board Chairman Theodores replied that the Planning Board had disapproved the preliminary plan and would soon be considering a definitive plan for the subdivision in question.

Selectman Donald repeated a point which had been made previously that the majority of speeders caught were local residents and that we are our own enemies. She urged the press to bring the fact that we should all slow down to their readers' attention.

Chairman Murray stated that the information given the Board tonight would be reviewed by the Town Engineer, Police Department, and Selectmen and a program formulated, and those persons who wished to be kept informed of the Selectmen's action on this subject were asked to leave their names with the Board.

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

Present: Applicant Richard Longton, V. S. H. Realty, Inc.; Building Inspector Joseph E. Scammon.

In accordance with Article IX, Section V, Paragraph A, of the Sudbury Bylaws, the Board considered Site Plan Application #83-260 of V. S. H. Realty, Inc., for property located at 470 Boston Post Road (former Gulf Station), in Business District #5, owned by V. S. H. Realty Inc., which plan was accepted for filing May 26 and expires July 9. The plan calls for remodeling of the existing gas station into a convenience food store (Cumberland Farms), remodeling of gasoline dispensing facilities for a self-service operation, and increased underground storage of gasoline.

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

- 1) From the Board of Health dated June 20, 1983, recommending approval conditioned upon the adequacy of the existing septic system for the proposed business, no kitchenware to be installed and no preparation of food allowed, and a groundwater monitoring well to be installed down gradient from the gas tanks.
- 2) From the Building Inspector dated June 16, 1983, recommending approval subject to recommendations of the Selectmen regarding landscaping, and stating Board of Appeals action will be required regarding the seventy-five percent setback regulation in relation to the canopy.
- 3) From the Conservation Commission dated June 16, 1983, stating that a filing of a Notice of Intent under the Wetlands Protection Act will be required.
- 4) From the Town Engineer dated June 6, 1983, recommending approval subject to a maintenance program for the drainage system's gas trap manhole, improved landscaping, and a wetlands Order of Conditions from the Conservation Commission.
- 5) From the Planning Board dated June 7, 1983, recommending approval in accordance with the Landscaping Bylaw and indicating the landscaping on the site plan.

Mr. Richard Longton, Vice President in charge of construction for V. S. H. Realty, Inc., reviewed Site Plan #83-260 with the Board, providing the following information:

- a) Curb cuts had been discussed with the State Department of Public Works, and no change is proposed to Route 20 in this area or to the existing curb cuts.
- b) It was the applicant's understanding that an Order of Conditions would not be necessary because there would be no new construction other than installation of new gas storage tanks, just upgrading of the facility.
- c) The existing underground gasoline storage tanks would be replaced with Fiberglas tanks and plans call for a monitor well and a recovery well and a gas trap.
- d) There will be two gas pumps, involving no enlargement of the gas island.
- e) They had made every attempt to comply with the landscaping bylaws. The planted island between the curb cuts does comply with buffer depth; however it is not totally within the property owned by the applicant. He stated that, in order to comply 100%, the building would have to be moved to the rear of the lot.

- f) Mr. Longton stated that they seek approval with whatever provisions and conditions the Board may require.
- g) The gasoline station will be totally a self-service operation. They will be seeking approval from the Fire Marshall in this regard.

Selectman Donald expressed her disapproval of the establishment of another self-service station in Sudbury.

At Selectman Donald's inquiry, location of the monitor well was discussed and confirmation was requested as to whether its placement satisfies the Board of Health. Mr. Longton indicated his willingness to make adjustment, if necessary.

Mr. Longton stated he had met with the Planning Board, whose only landscaping concern had been the buffer island. The Board requested the Executive Secretary to obtain clarification of the Planning Board's letter of June 7 regarding landscape recommendations.

Selectman Fox asked whether, if it meant denial of the site plan, the gas station could be changed from self-service. Mr. Longton replied they would like unrestricted approval of any type of operation allowed by the State.

Mr. Longton informed the Board there would be no architectural changes - simply blocking of overhead doors and installation of coach lamps.

Selectman Donald stated her strong feeling that the public did not want another self-service station, that, additionally, full-service stations were required by the elderly and handicapped. Chairman Murray and Selectman Fox agreed. It was noted that there would be only one full-service station left in Town. The Board questioned, however, how much discretion they had in making this site plan decision based on the matter of self-service.

In view of the Board's unresolved questions, the Executive Secretary suggested continuing consideration to a date certain and also made note to the Board and the applicant that, if the site plan is approved, an additional application and hearing for the increased storage of inflammables will be required.

Chairman Murray asked the applicant how many employees would be on duty at one time. Mr. Longton replied there would be either one or two, at times only one employee to handle both the store and the gas station. An extra, second person would be put on as required.

Chairman Murray expressed serious concern with the safety aspect of having only one employee on duty and mentioned that other towns had had problems with the same. He recommended that the subject be discussed further with Town Counsel.

Mr. Longton said that the number of attendants was a frequent question, however, a minimum of one person in attendance was allowed by the State Fire Marshall. He further stated that the Fire Marshall had addressed the grocery store/gas station situation also.

On the question of continuing the site plan hearing, Mr. Longton stated he was working under time constraints with the Gulf Company. Following discussion, however, he agreed to a continuation to the Board's next scheduled meeting date of July 11.

At the Executive Secretary's suggestion, the Board requested the applicant in the interim to meet with the Town Engineer and Planning Board to resolve landscaping requirements and with the Board of Health to determine compliance with its requirements, including the monitor well, thereby allowing revision of the plan in preparation for signing.

In addition, on behalf of the Board, Selectman Fox asked Mr. Longton to review with his company the Board's two serious concerns dealing with the number of employees and the self-service feature of the gas station.

With the consent of the applicant, Richard Longton, it was on motion unanimously

VOTED: To continue consideration of Site Plan #83-260 of V. S. H. Realty, Inc., for property located at 470 Boston Post Road, to July 11, 1983, at approximately 7:30 p.m., to allow the Board to take the matter under advisement and to allow the applicant to address the foregoing requests of the Board. The meeting will be for the purpose of making a decision only, not for general discussion.

Appointment - Permanent Police Officer

Present: Police Department Administrative Assistant Peter Lembo, Neil J. McGilvray, Jr., applicant, and Mrs. McGilvray.

Peter Lembo, Administrative Assistant for the Sudbury Police Department, introduced applicant Neil J. McGilvray, and his wife, of 261 Hudson Road, Sudbury, and reported to the Board on his background investigation which led to an affirmative recommendation for the appointment of Mr. McGilvray. As outlined in his communication of June 20, 1983, to the Board, Administrative Assistant Lembo stated that Officer McGilvray, a member of the Waltham Police Department for the past nine years, has averaged sick days within the accepted norm, has been injured on numerous occasions but has always reported back to duty within more than a reasonable time, has received many commendations and comes highly recommended by the Waltham Police Department, and has performed outstanding work as a plainclothesman. He further explained a suspension from the Waltham Department from June 10, 1982 to December 1, 1982 at which time Officer McGilvray was reinstated with all benefits following court review which found no grounds for the suspension. Administrative Assistant Lembo concluded by stating his opinion that Officer McGilvray has the judgment, maturity and experience required to serve as a Sudbury Police Officer.

Responding to question by Selectman Fox relative to the need for this appointment, Administrative Assistant Lembo explained that the department was short personnel, due to the Chief and an officer being on extended sick leave, the resignation of one officer, and the upcoming fourteen-week training of another officer.

Upon inquiry from Selectman Fox, Officer McGilvray gave an accounting of the events surrounding his suspension. Administrative Assistant Lembo noted that there were no other instances of complaints in Officer McGilvray's file.

In answer to questions by Selectman Fox, Officer McGilvray stated that the law allows adequate force to be used and force is mandated when needed to take a person into custody, using enough to control or restrain; he felt more visibility - more policemen - would be the answer to greater traffic safety.

During further discussion, Officer McGilvray expressed a desire to serve and make a contribution to the Town of Sudbury, which has become his family's home town, and indicated his willingness to work on the night shift.

It was on motion by Selectman Fox, unanimously

VOTED: To authorize the appointment of Neil J. McGilvray, 261 Hudson Road, Sudbury, as a fulltime, Permanent Patrolman of the Sudbury Police Department, replacing Francis W. Flynn, effective July 10, 1983, subject to a physical examination and recommendation from the examining physician, and subject to processing of transfer papers and approval by the Division of Personnel Administration; and it was further

VOTED: To authorize the Chairman to sign the Request for Transfer form and all appropriate documents related thereto.

Relative to the pending requisition for one patrolman filed on March 24, 1983 with the Division of Personnel Administration, at the Executive Secretary's request due to anticipated vacancies the Board agreed to request the Division of Personnel Administration to keep said requisition active.

Amendment to Traffic Rules and Orders

In accordance with General Laws Chapter 90, Section 26, as amended by Ch. 81 of the Acts of 1982, increasing the damage minimum from two to five hundred dollars, and upon the recommendation by the Police Administrative Assistant and Town Counsel, it was on motion unanimously

VOTED: That the Traffic Rules and Orders of the Town of Sudbury, adopted by the Board of Selectmen on September 12, 1941, and subsequent amendments thereto, be and are hereby further amended as follows:

By rescinding Section 1 of Article VIII, DRIVERS MUST REPORT ACCIDENTS, and inserting in its place the following:

"Section 1. DRIVERS MUST REPORT ACCIDENTS. Every person operating a motor vehicle which is in any manner involved in an accident in which any person is killed or injured or in which there is damage in excess of five hundred dollars (\$500) to any one vehicle or other property shall report such accident within five (5) days to the Registrar and to the Police Department in accordance with the provisions of Chapter 90, Section 26, of the General Laws."

Appointment - Council on Aging

Acting upon the recommendation of Chairman Paul J. Leahy, Council on Aging, furnished in a communication dated June 8, 1983, it was on motion unanimously

VOTED: To appoint Berthe L. Lessard, Apt. 11C, Musketahquid Village, 55 Hudson Road, to the Council on Aging, to replace Elizabeth J. Nikula, for a term to expire April 30, 1986.

Adopt Regulations - Temporary Business or Industrial Trailers

In accordance with Sudbury Zoning Bylaw Article IX, Section V, Special Regulations, A. Site Plan Approval, it was on motion unanimously

VOTED: To adopt regulations for the approval of temporary business and industrial trailers, dated June 20, 1983, as drafted by Town Counsel and including amendments to Section 1.a (grammatical changes) and Section 5.a (including a \$50 filing fee and waiver clause) and Section 5.b (grammatical change and the addition of setback distances and dimensions in plan requirements) as suggested by Selectman Fox.

Repurchase Cemetery Lot

It was on motion unanimously

VOTED: To repurchase Cemetery Lot No. 103A (two graves) in New North Cemetery from George J. and Margaret T. Balduf, 270 Broadmeadow Road, Lot 53, Marlboro, Massachusetts, at the price of \$100, the money to be taken from the appropriate Cemetery Funds (\$25 from Sale of Lot and \$75 from Perpetual Care), in accordance with the request dated June 15, 1983, and under the authority provided by Section IX, paragraph 3, of the Town's Cemetery Rules and Regulations.

Engineering Vehicle Bid

No action was taken on the above-subject matter due to no bids being received.

Bid: Copy Machine for Town Hall

Upon recommendation of the Town Accountant in a communication dated June 15, 1983, which stated that of the three bids received May 20, 1983, the Xerox Corporation copier best met the needs of the Town Hall departments, it was on motion unanimously

VOTED: To accept the bid dated May 20, 1983, from Xerox Corporation, 191 Spring Street, Lexington, Massachusetts, to furnish one Model 3450 document copier at the price of \$6,455 plus \$98 delivery/installation charge.

1983 Unlicensed Dogs

The Board reviewed the record of unlicensed dogs for the 1983 year and requested that a reminder notification to dog owners be given, suggesting an ad in the Bentley Community Calendar. The alternative would be to mail individual letters, a less-preferred method due to the cost.

Use of Town Common - July Fourth

It was on motion unanimously

VOTED: To grant permission to the League of Women Voters to set up a table on the Town Common during Fourth of July activities to distribute free balloons and information about the League, as requested in a letter dated June 15, 1983.

It was on motion

VOTED: To grant permission to the Sudbury Women's Club to sell pies on the Town Common during Fourth of July activities, and to use the Town Hall portico in the event of rain, as requested in a letter dated June 6, 1983.

(Selectman Murray and Fox in Favor; Selectman Donald abstained.)

Extended Serving Hours - Bullfinch's Restaurant

It was on motion unanimously

VOTED: To confirm the Board's telephone vote of June 14, 1983, to allow Bullfinch's Restaurant, 730 Boston Post Road, to remain open and serve alcoholic beverages on Monday, June 20, until 1:00 a.m. (Tuesday, June 21) to accommodate a private party, providing there is no noise disturbance.

Dutton Road Ch. 90 Project Request

Acting upon the request of the Highway Surveyor, it was on motion unanimously

VOTED: To sign a revised Chapter 90 Project Request for Dutton Road drainage and street relocation under Agreements #30593, #30821 and #29640, and a related Environmental Punch List, to be forwarded to the Department of Public Works.

Minutes

The Board unanimously approved the minutes of June 13, 1983, as drafted.

Update from Executive Secretary

1. The actual residential factor used for FY83 was 92.8718, after computations were completed.
2. Tax bills were received today and will start to go out immediately.
3. Firefighter David Frost was injured off-duty, requiring approximately two months' sick leave. The Board asked that a card be sent.
4. The boundary change between Wayland and Sudbury has been signed into law (Chapter 170 of the Acts of 1983).

Covenants and Easement - The Mugar Group

The Board tabled the question of signing Schedule A Covenants and Grant of Easement pursuant to the Conservation Commission Order of Conditions, File No. 301-113, from The Mugar Group, Inc., relative to Sudbury Plaza Shopping Center Site Plan #83-254, since they had not yet been furnished by the grantor.

Rescind Appointment - Special Constable

Upon recommendation of Administrative Assistant Peter Lembo, due to the unavailability of appointee, it was on motion unanimously

VOTED: To rescind the Board's vote of May 16, 1983, appointing Robert E. Hall as Special Constable, Paid.

Special Meeting Scheduled.

Following discussion it was agreed to hold a special meeting on Wednesday, June 29, 1983, at 9:00 a.m. in the Loring Parsonage to meet with representative(s) of The Sudbury Community Art Center to review a draft lease for use of Loring School.

Communication - Powder Mill Road Closing

The Board acknowledged receipt of a letter dated June 2, 1983, from Steven H. Greene, 36 Elaine Road, stating his opposition to closing Powder Mill Road to through traffic.

There being no further business to come before the Board, the meeting was adjourned at 11:45 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk