

IN BOARD OF SELECTMEN
MONDAY, MAY 16, 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.

Sign Tax Anticipation Notes

Present: Town Treasurer Chester Hamilton and Town Clerk Jean M. MacKenzie.

In accordance with a communication dated May 11, 1983, from Town Treasurer Chester Hamilton, it was on motion unanimously

VOTED: To sign Tax Anticipation Notes in the amount of \$900,000, to be effective May 25, 1983, and due June 30, 1983, with Bay Bank Middlesex at 3.68%.

Selectmen's Site Plan Rules and Regulations

On the subject of amending the Selectmen's Site Plan Rules and Regulations, a draft of which had been prepared by Town Counsel's office in accordance with past recommendations by Town boards, and after careful review and discussion, the Board agreed to further amendments, as follows:

- The Index should be re-numbered;
- section 4.b.(7) to read, "Locate and describe all signs as to height, size, single or double-sided, illumination and side elevation.";
- section 4.b.(8) to read, "Locate and describe all exterior lighting and direction of beam or flood.";
- section 4.b.(9) to read, "Locate and describe all entrances and exits to roads, including size.";
- section 5.b. to read in part, "He shall also request from the Planning Board an appointment date/time for its review of the site plan, prior to the Board of Selectmen's appointment.";
- section 5.c. to read in part, "A memo attached to the proposed site plan copies will indicate limitation and dates of hearings."
- section 9 to be amended in accordance with the following vote:

It was on motion by Selectman Fox unanimously

VOTED: To approve increasing the following Filing Fees: Site Plan Approval from \$50 to \$100; Site Plan Renewal from \$10 to \$25; and Site Plan Extension from \$10 to \$25, subject to the Executive Secretary justifying the cost increase in accordance with State statute for increasing fees.

- add new section 10 regarding modification and/or changes and the resubmission of an "as built" site plan to the Board of Selectmen for final approval by re-dating and re-signing the site plan;

- add new section 11 regarding the deadlines set forth in the Selectmen's Rules and Regulations for the Planning Board and the Building Inspector indicating that failure to meet these deadlines does not mean automatic approval.

Before making the above-noted amendments to the draft revision of the Selectmen's site plan rules and regulations, the Board discussed at some length how they could save the applicant money and time by reversing the site plan procedure so that an approved site plan would not be required before the applicant applies to the Board of Appeals if a special permit or variance is necessary. Applying to the Board of Appeals first might allow the applicant during that two and one half month process to apply to the appropriate Town boards and officials, thereby completing the process in a shorter amount of time. On the other hand, if substantial changes are made in the process of obtaining approvals, the applicant would have to re-submit the site plan to the Board of Appeals; likewise, if the Board of Appeals makes significant changes after Board of Selectmen approval the same situation would occur.

At the conclusion of discussion, the Board reaffirmed their amendments to the draft policy, and requested the Executive Secretary to forward a copy of the draft showing further amendments made this evening to the appropriate Town boards and officials for their input/comments on the entire document.

Annual Appointments

It was on motion by Selectman Donald unanimously

VOTED: To make the following annual appointments:

- Forrest D. Bradshaw, George D. Max and Royal E. Haynes, Jr., to the Archeological Advisory Committee for terms to expire April 30, 1984;
- Joseph E. Scammon as Building Inspector and Zoning Enforcement Agent for a term to expire April 30, 1984;
- Earl D. Midgley and F. Jacob Zagata as Deputy Building Inspectors for terms to expire April 30, 1984;
- Fire Chief Michael C. Dunne as Civil Defense Director for a term to expire April 30, 1984;
- Josiah F. Frost as Assistant Civil Defense Director for a term to expire April 30, 1984;
- Marvis M. Fickett as Civil Defense Radio Operator for a term to expire April 30, 1984;
- Richard O. Bell to the Conservation Commission for a term to expire April 30, 1986;

- Betsy M. DeWallace as Dog Officer for a term to expire April 30, 1984;
- Donna C. Mahlowitz as Assistant Dog Officer for a term to expire April 30, 1984;
- Emmalou Eaton as Sudbury Historical Commission member for a term to expire April 30, 1986;
- Richard E. Thompson as Executive Secretary for a term to expire April 30, 1984;
- John E. Murray, Anne W. Donald and Myron J. Fox as Fence Viewers for terms to expire April 30, 1984;
- Michael C. Dunne as Fire Chief and Forest Warden for a term to expire April 30, 1984;
- Richard E. Thompson as Town Agent to the Industrial Accident Board for a term to expire April 30, 1984;
- Rita C. Cobb, Richard P. Stitt, Town Accountant Janes Vanar (ex-officio member), Gerd O. Haeberer and William P. Reed to the Insurance Advisory Committee for terms to expire April 30, 1984;
- Alan Silver to the Long Range Capital Expenditures Committee for a term to expire April 30, 1986;
- Clifford J. Hughes as the Designee to the Massachusetts Bay Transportation Authority for a term to expire April 30, 1984;
- Winifred Grinnell to the Memorial Day Committee for a term to expire April 30, 1986;
- Robert A. Gottberg to the Operational Review Committee for a term to expire April 30, 1984;
- Julia R. Barker to the Permanent Landscape Committee for a term to expire April 30, 1986;
- Robert B. Rowley to the Personnel Board for a term to expire April 30, 1986;
- James V. Merloni as General Agent to the Planning Board for a term to expire April 30, 1984;
- Samuel Reed as Pound Keeper for a term to expure April 30, 1984;
- Anne W. Donald as Representative to the Public Health Nursing Association for a term to expire April 30, 1984;

- Maureen G. Wiles and William S. Farrell to the Board of Registrars for terms to expire April 30, 1985 and April 30, 1986, respectively; Mrs. Wiles' appointment being subject to receipt of resignation from Maurice J. Fitzgerald; (reference: letter furnishing nominations and intended resignation from Democratic Town Committee Chairman M.J.Fitzgerald dated May 4, 1983);
- Robert A. Noyes as Sanitary Landfill Agent for a term to expire April 30, 1984;
- Richard C. Gleason as Sealer of Weights and Measures for a term to expire April 30, 1984;
- Robert A. Noyes as Street Lighting Agent for a term to expire April 30, 1984;
- Robert A. Noyes as Superintendent of Cemeteries for a term to expire April 30, 1984;
- Robert A. Noyes as Superintendent of Insect Pest Control for a term to expire April 30, 1984;
- Ralph W. Stone, Jr. as Surveyor of Lumber and Measurer of Wood for a term to expire April 30, 1984;
- Eileen M. Todd to the Talent Search Committee for a term to expire April 30, 1986;
- James Vanar as Town Accountant for a term to expire April 30, 1984;
- Paul L. Kenny as Town Counsel for a term to expire April 30, 1984;
- Thomas M. French as Assistant Town Counsel for a term to expire April 30, 1984;
- James V. Merloni as Town Engineer for a term to expire April 30, 1984;
- John D. Nicholson, Z. Stanley Taub and Melvyn W. Kramer as Town Physicans for terms to expire April 30, 1984;
- Rita M. Colantonio, Linda Krusinski, Roberta G. Cerul, Patricia D. Drobinski, Linda K. Stevens and Elizabeth A. Gottberg to the Town Report Preparation Committee for terms to expire April 30, 1984;
- A. Lela Digenis as U. N. Day Chairman for a term to expire April 30, 1984;
- Cletus A. Terwiske, William A. Burns, James F. Greenawalt, Catherine B. Greene and Thomas F. McDonough to the Veterans Advisory Committee for terms to expire April 30, 1984;
- Col. Paul J. Leahy as Veterans Agent, Director of Veterans Services, and Veterans Graves Officer for terms to expire April 30, 1984;

- Warren E. Boyce as Wiring Inspector for a term to expire April 30, 1984;
- Clinton H. Mills as Deputy Wiring Inspector for a term to expire April 30, 1984;
- Joseph D. Bausk, Joseph J. Bisson, Jr., Robert E. Hall and Raymond J. Spinelli, Sr., as Special Constables, Paid, for terms to expire April 30, 1984;
- Earl Midgley, Warren E. Boyce, Joseph E. Scammon and Michael C. Dunne, as Special Constables, Non-Paid, for terms to expire April 30, 1984;
- Brian O'Halloran, Everett Mitchell, Ernest Russo, Robert V. Goudey, Stephen F. Averett, Brian Stetson, Wayne M. Howard, Samuel F. Nava, and Francis J. Gonsalves as Special Constables, Non-Paid, for Traffic Duty Only at Raytheon Company, for terms to expire April 30, 1984;
- Robert A. Clark and William Kleiner as Special Constables, Non-Paid, for protection of Persons and Property at Sperry Research Center, for terms to expire April 30, 1984;
- Richard E. Santella as Special Constable, Non-Paid, for Protection of Persons and Property at Lincoln-Sudbury Regional High School for a term to expire April 30, 1984;
- Helen Nadeau, Mary Gavin, Richard Fullen, Jr., and Barbara Greenwood as School Crossing Guards for terms to expire April 30, 1984;
- Douglas R. Lewis, Jr., Gary O. Bardsley, Jeffrey Nix, Frank M. Vana, David P. Frost, Carol A. Stearns and John A. Stearns as Special Police Officers for terms to expire April 30, 1984.

Joint Meeting with Permanent Landscape Committee

Present: Julia R. Barker and Elizabeth Newton, Permanent Landscape Committee.

Chairman Murray welcomed members of the Permanent Landscape Committee to discuss annual plans.

Mrs. Julia R. Barker told the Board that the PLC has no budget but that they would be more than willing to work in any problem areas of Town, or do further landscaping at the Police Station, if funds were made available to them. Also, Mrs. Barker expressed a willingness to act as an advisor to anyone requiring assistance in the area of landscaping.

Discussion focussed in the following areas:

- The triangle at Haynes and Marlboro Roads is in disrepair. Mrs. Barker stated she would contact Mr. Creighton Hamill, who is currently constructing homes in that area, as to whether he would be willing to donate a shrub and/or other plantings for the intersection, and that the PLC would fix it up.

- Police Station. Mr. Thompson said there was some money remaining for landscaping and Mrs. Barker will contact him regarding the same. Mrs. Barker said that the various Sudbury garden clubs had done all the mulching and spread wood chips which had been furnished by the Highway Department.
- Mrs. Barker expressed some confusion regarding who was responsible in Town for certain areas which involved landscaping, such as Heritage Park. She stated that the Park and Recreation Commission had indicated to her that they have a difficult time getting their summer help to do the weeding there and Mrs. Barker suggested that the Sudbury Garden Club be asked to do this work throughout the summer. The Selectmen concurred with her suggestion.
- The triangle at Goodman's Hill Road and Route 20 needs weeding and mulch. Mrs. Barker asked if the Highway Department could supply some mulch and if it could be scheduled so that the PLC could spread it at the same time. Mr. Thompson stated he would call the Highway Surveyor.
- Wayland/Sudbury Septic Facility. Responding to Mrs. Barker, Selectman Murray stated that, since it is located in Wayland, it is that Town's responsibility. Mrs. Barker commented that it could look so much nicer with the proper landscaping and hoped that the Wayland Garden Club would do something about the appearance outside that building.
- Mrs. Barker commented that the Town has lost a very large amount of big trees which have not been replaced. Selectman Donald stated that the Town has a replacement program; Mr. Thompson added that the policy for roadside maintenance and planting was worked out in 1978 in conjunction with Gordon DeWolf, former PLC member, and the Tree Warden, and that he would forward a copy of that policy to Mrs. Barker.

Selectman Donald pointed out that the Town kept a Town nursery on Nobscot Road, and that there may be a few trees left there. Selectman Murray stated that the Park and Recreation had planted some long-needle pine trees behind their maintenance garage, and that Mrs. Barker could look into the availability of those.

Mrs. Barker commented on the trees you could purchase for 19-20¢ from the Extension Service, and that if the Town had a nursery this would be a good way to stock it.

- Loring Parsonage. Mrs. Barker commented that she would like to see more plantings at the Loring Parsonage. During discussion, she stated she would be in touch with Mrs. Silva in the Selectmen's office.

At the conclusion of discussion, Chairman Murray thanked the PLC for attending this evening and for the interest shown.

Utility Petition Approvals

The Board reviewed communications from Joseph D. Bausk and Assistant Town Counsel Thomas M. French dated April 29 and May 10, respectively, on the question of the inclusion of a general permission clause as a part of all utility petition approvals.

After discussion and on recommendation by Town Counsel's office, it was on motion by Selectman Fox unanimously

VOTED: To allow a general permission clause as part of each utility petition to read, "also for permission to lay and maintain underground laterals, cables and wires, on the same side of the public way as poles, for the purpose of making connections with such poles and single-residence buildings as each of said petitioners may desire for distributing purposes."

Granting this general permission would eliminate the need for the telephone company to come before the Board of Selectmen each time they wanted to connect a service to a single residence from an existing pole as they are both on the same side of the street.

House Bills 6020 and 1130

The Board acknowledged receipt of a communication dated April 15, 1983, from the Massachusetts Municipal Association recommending that the Board oppose two house bills relative to claims for damages caused by defects in a public way.

It was on motion by Selectman Murray unanimously

VOTED: To oppose House Bill 6020 which would increase the time for giving a municipality notice of damages caused by a defect from thirty to ninety days and would increase the maximum amount of money to be awarded for such damages from \$5,000 to \$25,000; and to oppose House Bill 1130 which would effectively eliminate the requirement to give notice of a street defect, since a claimant would have six, ten or twelve months or more to give municipalities notice, making it impossible for the city or town to establish whether the street defect actually existed at the time of the claim.

One Day Auctioneer License

In accordance with a request from Heidi Goebel, Auction Coordinator for the Bob Parvenik Memorial Community Auction, dated May 11, 1983, it was on motion by Selectman Fox unanimously

VOTED: To grant a one-day auctioneer's license to Roger Allen Bump, 9 Wilson Road, Sudbury, for the occasion of a benefit auction on June 17, 1983, 7:30 p.m., at the Memorial Congregational Church and to waive the license fee for the same.

MAPC Traffic Study Proposal - Powder Mill Road

The Board was in receipt of a communication dated May 4, 1983, from the Metropolitan Area Planning Council to William Firth, MAPC Designee, offering services relating to a traffic study in the area of North Sudbury.

Selectman Fox expressed his opinion that it would be a good idea for the MAPC to study the Powder Mill Road area with the understanding that, if they did determine that the road should not be closed, it would be the Selectmen's obligation to bring it back to Town Meeting. He concluded MAPC's recommendation would not be final and binding.

Executive Secretary Richard E. Thompson stated that the Selectmen have in front of them possible litigation because of the action of Town Meeting to close Powder Mill Road and suggested that it might not be a good idea to pursue the assistance of the MAPC at this time. He added that two neighboring towns had indicated at the meeting with the Maynard Selectmen they had completed a traffic study which was available.

From a planning standpoint, Mr. Thompson stated and the Selectmen agreed that an MAPC study would most likely not favor the closing off of Powder Mill Road. Selectman Murray added that the Selectmen's support of doing so was a compromise to accommodate both the developer and area residents and an alternative to possible rezoning of the industrial park.

It was on motion by Selectman Fox unanimously

VOTED: To direct the Executive Secretary to draft a letter for the Board's approval to the MAPC thanking them for their offer and indicating that the Selectmen do not feel it is appropriate at this time to request such a service.

Extended Site Plan 83-254, Mugar Group

It was on motion by Selectman Fox unanimously

VOTED: To extend consideration of Site Plan application #83-254 to June 6, 1983, at 9:00 p.m., due to Conservation Commission requirements, and as requested by The Mugar Group Incorporated under date of May 12, 1983.

Minutes

It was on motion by Selectman Donald unanimously

VOTED: To approve the minutes of the Regular Session of May 9, 1983, as amended.

Stow Parade

Selectman Donald informed the Board that she had marched in the Stow parade in honor of that community's Tercentenary celebration and went on to say that Sudbury's 350th anniversary celebration is six years away and her suggestion was

that an article be brought before the next Annual or Special Town Meeting to start a fund (to be added to each year) for this anniversary. The Selectmen agreed this was a good idea.

Landfill Notice

Selectman Fox stated that the Selectmen's notice in last week's local newspapers regarding the new regulations requiring that all trash be bagged, or tied, affected commercial haulers dumping at the Landfill. Following discussion, the Executive Secretary was directed to inform all commercial haulers who work in Sudbury to put their customers on notice that their refuse must be bagged in accordance with the new regulation.

State Certification

At the request of the Assessors and the direction of the Selectmen, Mr. Thompson stated he had spoken to Mr. Green at the State Department of Revenue to determine the status of Sudbury's property value certification and was informed that they hoped to have it completed during this week.

CATV

The Board noted receipt of a communication dated May 13, 1983, to the Commissioner of the Massachusetts Television Commission from Town Counsel Paul L. Kenny requesting an extension of time to June 6, 1983, to file an answer to an appeal by Community Cablevision of Sudbury Associates of the Sudbury license to Adams-Russell Co.

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

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk