

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 7, 1983

Present: Chairman John E. Murray and Myron J. Fox.

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

Borrowing

Present: Town Treasurer Chester Hamilton.

On the question of approving borrowing and renewal of Tax Anticipation Notes, as requested by the Town Treasurer in his communication of November 2, Mr. Hamilton explained to the Board that the current rate for borrowing is $4\frac{1}{4}$ - $4\frac{1}{2}$ % and that his request to borrow an additional \$1,000,000 is on the assumption that tax bills will go out by the middle of December.

It was on motion by Selectman Fox unanimously

VOTED: To authorize borrowing of \$1,000,000 in Tax Anticipation Notes, effective November 28, 1983, and to be due January 12, 1984;

and it was further

VOTED: To authorize renewal of \$3,000,000 in borrowing in Tax Anticipation Notes which will come due December 15, 1983, for planned repayment late January.

Responding to Mr. Thompson, Mr. Hamilton stated that the new Tax Anticipation Notes will be available for the Selectmen to sign next Monday, November 14, and that renewal notes will be available for signing on December 5.

Fort Devens, Sudbury Annex - Environmental Assessment

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

VOTED: To approve and authorize the Chairman to sign a public comment response, jointly with the Selectmen of the Towns of Maynard and Stow, to the Fort Devens Sudbury Training Annex Environmental Assessment dated October 1983, as prepared by the Executive Secretary as a result of a conference of the Devens Liaison Group, and dated November 1, 1983.

(Mr. Thompson noted that Senator Atkins' office had concurred with the letter.)

Responding to Selectman Fox's concern, Mr. Thompson stated that the letter to be forwarded to Col. Corbin will note copies sent to Senator Atkins, Rep. Shannon, Rep. Hicks, and other members of the Devens Liaison Group. Mr. Thompson added that one member of the liaison group had also submitted his own letter.

Mr. Thompson noted receipt of three communications, two from the Town of Stow, dated November 1 and 4 respectively, and one from the Sudbury Conservation Commission, providing comments or input for the purposes of evaluating the Environmental Assessment.

Utility Petition 83-12, Stone Road

Present: Edmund F. Kelly, Boston Edison Company; and abutter Carol R. Childs, 29 Stone Road.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered Utility Petition 83-12 of New England Telephone and Telegraph Company and Boston Edison Company, for permission to erect or construct, and a location for, poles, and such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line, to be used in common by them, upon, along and across the following public way of the Town:

Stone Road - westerly side approximately 58 feet north of Howell Road,
One (1) pole
(one existing JO pole to be removed).

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.

Executive Secretary Richard E. Thompson noted that all appropriate abutters had been notified, and that a favorable report had been received jointly from the Building and Wiring Inspectors, dated November 3, 1983.

Mr. Kelly stated that this petition is for the relocation of pole 143/5, at the request of abutter Carol Childs, and the guy wire and anchor will be on the Childs' property.

Responding to Selectman Fox, Mr. Kelly stated that Boston Edison would absorb all expenses.

Selectman Fox told Mr. Kelly that the Board would not approve any further utility petitions without an Indemnification provision.

It was on motion by Selectman Fox unanimously

VOTED: To approve Utility Petition 83-12 of New England Telephone and Telegraph Company and Boston Edison Company, as described above, and as shown on a plan entitled, "Private Property and Plan of Stone Rd., Sudbury, Showing proposed pole relocation, guy wire & anchor", dated June 14, 1983.

Appointments

On recommendation by the respective committees, it was on motion unanimously VOTED: To make the following appointments:

- Martha J. Coe, 14 Chruchill Street, to the Memorial Day Committee, replacing Cletus Terwiske, for a term to expire April 30, 1984; and
- Dava Dunne, 30 Meadowbrook Road, to the Town Report Preparation Committee, for a term to expire April 30, 1984.

Miscellaneous Donation - Council on Aging

It was on motion by Selectman Fox unanimously

VOTED: To accept, on behalf of the Town, \$114.45 in miscellaneous donations to be used by the Council on Aging for van transportation.

Minutes

It was on motion by Selectman Fox unanimously

VOTED: To approve the minutes of the Regular Session of October 31, 1983, as drafted.

Street Acceptance/84ATM

The Board was in receipt of a communication from the Town Engineer, dated November 1, 1983, recommending for possible acceptance by the 84ATM only the street petitioned (a portion of Winter Street between Spring and Summer Streets requiring an appropriation of approximately \$21,000).

The Board agreed to submit a street acceptance article containing Winter Street (portion) as noted above, and agreed to discuss support or non-support of the street acceptance article at a later date.

Site Plan 80-227, Vana, 435 Boston Post Road (amendments)

The Board had approved revised Site Plan #80-227 of Frank M. Vana, Trustee of Filomena Vana Trust, on September 12, 1983. Executive Secretary Richard E. Thompson noted receipt of the following communications, subsequent to that approval:

- from Engineer Richard C. Skarinka, dated November 1, 1983, informing the Board and requesting approval of two revisions to the approved site plan - 1) because the State Department of Public Works (DPW) will not allow the construction of the one-way egress onto Boston Post Road, this area will become additional "green belt" along the front of the property, and 2) the Water District Easement has been relocated to run approximately parallel to the west property line, a portion of the easement is to be located on the abutting property owned by Frank Vana. Mr. Thompson noted that Town Engineer James V. Merloni supports these revisions;

- from Acting Commissioner Ellen M. Digeronimo of the DPW to Jerry Cohen, developer for Frank Vana, dated October 3, 1983 stating that the DPW is prepared to grant a permit for the installation of signalization prior to the reconstruction (widening) of Route 20 but that it will be based on Mr. Vana's agreement to relocate the signal when the highway (Route 20) is finally constructed in order that it may conform to DPW and Federal specifications; however, further suggesting signalization be delayed until the reconstruction;
- from Frank M. Vana, dated November 3, 1983, requesting that the Selectmen grant an extension for the installation of the signalization until Route 20 is reconstructed and that he would provide paid police detail in the interim.

The Board concurred with the amendments and agreed that the signalization could be done at the same time as the State widening of Route 20, the extension to be limited to only that time frame, as long as a police paid detail is provided by Mr. Vana during peak traffic hours in the interim. Chairman Murray thought the State widening project of Route 20 in Sudbury would begin by fall of 1984.

At the conclusion of discussion, it was on motion by Chairman Murray unanimously

VOTED: To approve two revisions to Site Plan 80-227 of Frank M. Vana, Trustee of Filomena Vana Trust, for Lots 4 and 5, 435 Boston Post Road, which are set forth in a November 1, 1983, communication from Engineer Richard C. Skarinka, as follows: 1) the elimination of the one-way egress onto Route 20, and that area to be landscaped, and 2) the relocation of the Water District water easement parallel to the west property line, a portion of the easement to be located on abutting property owned by Frank Vana, entitled, "Site Plan of Land in Sudbury, Mass., Proposed Site Conditions", dated November 24, 1980, revised five times, the last revision date being September 1, 1983;

and it was further

VOTED: To grant an extension for complying with requirement #1 of the Board's approval dated January 19, 1981, of said Site Plan 80-227 that an automated traffic control signal shall be installed and operating at the intersection of Boston Post Road and the entrance to the center, until such time as the state widening of Route 20 at this location takes place, provided that a police paid detail is furnished by the applicant in the interim for traffic duty during peak traffic hours as determined by the Police Chief.

The original plan will be amended according to the above vote and submitted to the Selectmen for signing.

FY82 Final Audit Report

The Board acknowledged receipt of a November 4, 1983, communication from the Town Accountant enclosing a copy of the audit report for the FY ending June 30, 1982, prepared by the firm of Laventhol & Horwath, in accordance with Article 7 of the 82ATM, dated August 24, 1983.

Selectman Fox questioned the August 24, 1983, communication within the report from Laventhol & Horwath stating its opinion that Sudbury had not complied with the Federal Revenue Sharing Act in the following area:

- 1) the Town has not filed Form EEO-4 with the Equal Employment Opportunity Commission; and
- 2) the Town has not established a formal civil rights policy.

Selectman Fox had raised the same question during the Board's review of the draft audit report on October 5th, and he asked if this communication should have been amended in the final report. Mr. Thompson responded that it would be clarified in a letter from Laventhol & Horwath to the Office of Revenue Sharing, a copy of which would be forwarded to the Selectmen.

Selectman Fox raised a question on Schedule II, General Fund, Schedule of Taxes Receivable, of the audit report relative to the high number of uncollected taxes in the years 1981-82. Chairman Murray responded that it was due to late tax billings and Mr. Thompson stated he would check the same and get back to the Board.

On the question of the high expenditure and the length of time to prepare the final audit, Mr. Thompson responded that it was due to the transition of personnel in the accounting office and the necessity to reconstruct the books for one whole year.

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

VOTED: To accept the final audit report for the fiscal year ending June 30, 1982, prepared by the firm of Laventhol & Horwath and dated August 24, 1983, in accordance with Article 7 of the 1982 Annual Town Meeting, subject to verification of the information contained in the August 24, 1983, report from Laventhol & Horwath, noted above.

Revisions - Site Plan 74-131 Mercury Mobil, 209 Boston Post Road

Present: Robert Pearlman and Mark Bolduc, co-owners; Fire Chief Michael Dunne; abutters Patrick J. and Rosemary J. Delaney, III, 206 Boston Post Road.

The Board was in receipt of an application for site plan amendment approval dated October 3, 1983, of James Mercury and Sudbury Automotive, Inc., 209 Boston Post Road, for the relocation of the gasoline pump island, the addition of one more pump island, and a change in the underground gasoline storage.

Executive Secretary Richard E. Thompson stated that the question before the Board tonight is whether or not a full, as opposed to amended, site plan hearing is required and referenced Town Bylaws dealing with site plan approval, Art. IX(V,A), Special Regulations. Mr. Thompson expressed his opinion and that of the Building Inspector's that a full site plan review process is not required, and added that a November 28th hearing has been set for the underground storage application.

Mr. Thompson noted receipt of the following verbal and written reports:

- from Fire Chief Dunne dated November 7, 1983, questioning the type of storage tanks proposed, what the four proposed tanks will contain, offering his opinion that the double island proposed presents a safety problem as the outer island appears very close to Route 20, and stating no objection to the plan for new tanks provided the old tanks are removed;
- from the Town Engineer dated November 7, 1983, requesting an extension of one week to further review the safety aspects of the plan of the proposed gasoline pump islands in view of their close proximity to Boston Post Road;
- a verbal report from the Board of Health on November 7 expressing no objections and suggesting that a monitor well be installed under the direction of the Health Director and the Town Engineer, this being the Health Department's standard recommendation when hazardous material is being placed underground; and
- a verbal report from the Building Inspector on November 7, requiring the applicant to go before the Board of Appeals, since this site is non-conforming as to setback and noting that sign placement would also have to be addressed regarding setback.

Following discussion on the subject, Selectman Fox suggested that in the future, in the best interest of the applicant, both site plan and storage license hearings should be held simultaneously.

The Board discussed the pros and cons of a full site plan process, whether the full site plan process would be more appropriate in this case because of the non-conforming use, and in order to give the Planning Board an opportunity to look at the landscape bylaw as it pertains to this site. Chairman Murray expressed his opinion that the landscape bylaw be waived since this is a pre-existing non-conforming use; also, because he felt every site plan had to be addressed individually insofar as enforcing that bylaw, taking into consideration the amount of landscaping on adjoining properties also. The Board agreed to request the Town Engineer's recommendation regarding landscaping, leaving to be resolved by a joint meeting of the applicant and concerned Town officials the question of the placement of signs prior to November 28, and the non-conforming use required Board of Appeals action.

After further discussion, the Board agreed not to require a full site plan review process so as not to place any hardship on the petitioner, but Selectman Fox expressed his opinion that a site plan originally approved 9-10 years ago, as this one had been, really should require full site plan approval in the future, and directed the Executive Secretary to notify the Building Inspector that this be one of the guidelines in determining site plan requirements in the future.

Mr. Robert Pearlman, owner of Sudbury Automotive, Inc., explained the plans for landscaping which included low shrubs along the easterly side of the existing building and trees along the back bordering the gravel parking lot to screen cars from Route 20. Mr. Pearlman also stated that they plan to remove the ice machine for better esthetics of this property.

Relative to the pumping islands, Mr. Pearlman explained that the 4½ width shown on the plan should be 3½ and that change will allow moving the two islands back two additional feet from the street. The two islands will be approximately 8½ feet closer to the road than the one existing island. However, Mr. Pearlman felt that the dual islands were necessary, financially speaking, to keep this a full service station, that this setup would facilitate getting cars in and out of the station quickly and, therefore, not back up Route 20.

Relative to the sign, Mr. Pearlman stated he had no objection to using the same configuration on the outer island, as the sign currently on the existing island. The center pole of the sign would be twelve feet back from the road. He also talked about the use of a dual purpose sign, which would be larger approximately two feet wider, and have the name and the price on it, and would eliminate the need for the "A" frame sign currently being used for prices.

Responding to the Fire Chief, Mr. Pearlman explained the two options for the type of tank he could use - fiberglass or steel. He said that the fiberglass tanks are more difficult to install - any movement of the ground can cause stress cracks within a short period after installation. He said he has had virtually no problem with steel tanks especially those with cathodic protection, which he would use if he installed steel tanks. The Fire Chief, however, pointed out that there are give and takes with each and that the steel tanks have a tendency of rusting. But in either case, it was noted, State and Federal law requires the precaution of daily readings.

Mr. Pearlman stated that the four tanks would contain unleaded gasoline (in two tanks), regular gasoline (one tank), and diesel fuel (in the smallest tank).

Following discussion regarding Mr. Pearlman's plans to install only one large tank at the present time and to complete the installation (and removal of old tanks) in the spring, the Board directed that his engineer be present at the hearing on the application for increased storage of inflammables to address the issue; namely, if it is a safety hazard to create ground movement during removal of old and installation of new tanks in the area of the one previously installed.

Chairman Murray also requested that the applicant address his suggestion at the November 28th hearing regarding the possibility of the pumping island being moved in a more westerly direction on the property where there appears to be more room for them to be set further back from the road. Mr. Pearlman thought there was a problem in doing that because of the septic system or leaching field being located there.

The Fire Chief asked that the separation between the road and the station be more clearly delineated. He said that the pump will be so close to the road that a line of traffic there could look like a line of traffic on Route 20!

Mr. Pearlman suggested low plantings along the edge of the road, as he has in front of his Exxon Station in Wayland on Route 20. The Chief stated he would go down to the Wayland station and get some measurements for comparison. He stated he did not know if the Police would care to comment, but from his point of view, the junction of Route 20 and Landham Road is the scene of numerous accidents. Selectman Fox advised that the Town Engineer might be helpful and suggested that the applicant contact him.

Responding to Selectman Fox, Mr. Pearlman stated that the hours of operations are currently 6:00 a.m. to 10:00 p.m. and the light on the sign would be turned off at closing.

Responding to the Selectmen, Mr. Pearlman expressed no objections to the Board of Health's requirement that a monitor well be installed on the property.

Selectman Fox informed the applicant that the Board of Appeals process is approximately 2½-3 months.

Abutter Patrick Delaney, 206 Boston Post Road, stated that this section of Route 20 is a very dangerous area with a blind curve and the intersection with Landham Road, and that he was not in favor of the increased storage or moving the gasoline pumps any closer to the road. He stated further that Mercury's and the business next door are an island in a residential area, which should make this gasoline station different from the others in Town. There are school and passenger busses stopping there in a very dangerous area. He expressed his opinion that he sees this as a good chance, with the station changing hands, to make improvements on the site, i.e., he would like smaller signs, and more than two feet of foliage! Mr. Delaney added that the fluorescent lights at the station illuminate, not only his front yard, but his house, and that the new owner had activated some flood lights which had never been activated before, and these shine onto his property.

Mr. Pearlman stated they will improve the lighting by changing to the low profile, low island, translucent plastic lights which give just enough light to identify the pumps. Selectman Fox suggested that Mr. Pearlman meet privately with Mr. Delaney and work on resolving this issue prior to the next hearing.

Selectman Fox stated that the Selectmen will be meeting again with the applicant on the application for the increased storage, at which time the Board will make its final decision on these amendments (as discussed and suggested above), will ask for input from the Town Engineer relative to landscaping and on-site traffic configuration and proximity to Route 20, input from the Police Administrative Assistant regarding traffic safety, and make a decision on the increased storage application, with input from the Board of Health on that.

Chairman Murray suggested that Mr. Pearlman meet with the Town Engineer in the interim. Mr. Thompson stated he would be glad to schedule a meeting for Mr. Pearlman with the Town Engineer, the Health Director, the Police Administrative Assistant, the Fire Chief and the Building Inspector.

Transfer Request, Acct. ATM82/7 (FY82Audit)

It was on motion by Selectman Fox unanimously

VOTED: To approve Request for Transfer, No. 9, dated November 10, 1983 (the date it will go before the Finance Committee), for a transfer from the Reserve Fund to the account established under Article 7 of the 1982 Annual Town Meeting, for additional expenses incurred in the completion of the FY82 Audit, in the amount of \$3,349.17, and as further explained on the numbered transfer.

Responding to the Selectmen, Mr. Thompson stated that the total cost of the audit was \$15,349.17.

One-Day Auctioneer's License

It was on motion by Chairman Murray unanimously

VOTED: To approve the issuance of a one-day Auctioneer's License to Wally Walet of Gardner, Massachusetts, to conduct the Sudbury Co-operative Preschool annual auction on November 18, 1983, at Ames Hall, Memorial Congregational Church, Concord Road, Sudbury, as requested by Mary Anne Dignan, Fundraising Committee, Sudbury Co-operative Preschool, Inc., and to waive the fee for said license.

Cable Television

Executive Secretary Richard E. Thompson reported that Mr. Henchy of Adams-Russell called the office to say that he had been at the Cable Commissioner's Office and was advised the Commission's going to defer the interrogatories (filed by Atty. Manelis October 26) and hear the motion for summary dismissal (in Boston); the date has not been set. The evidence will be done on affidavits and he will have Adams-Russell's attorney contact Town Counsel Paul L. Kenny.

Open Space Planning Joint Sub-Committee

At the direction of the Board on October 31st, Mr. Thompson furnished the names of the people on the Open Space Planning Joint Sub-Committee - Sara Bysse, Conservation Commission; Mike Meixsell, Planning Board; Judy Cope former Conservation Commission member; and Roz Drawas, Park and Recreation Commission.

Sudbury Players - Use of Town Hall

The Board concurred with a letter the Executive Secretary sent to the Sudbury Players dated November 3, 1983, informing the Players that several complaints had been received relative to their use of the Town Hall - smoking in un-authorized areas and some fire hazards as a result of paint supplies being stored in the men's room and unclean stage areas, and asking them to give these matters their immediate attention.

Blue Cross/Blue Shield - (organ transplant coverage)

Relative to the Town's subscribing to an additional Blue Cross/Blue Shield coverage for joint transplants, Mr. Thompson stated that, although 198 Town employees are eligible, only forty-eight had responded in favor, while eight were opposed. The Board concurred on recommendation by Mr. Thompson to re-evaluate the matter for final resolution by the May renewal/anniversary date.

Regional Police Institute for Training

Selectman Fox referenced an article entitled, "Local programs picking up slack in police training", an article about low-cost training for police from the October 30 Middlesex News and directed the Executive Secretary to forward the same to Police Administrative Assistant Peter Lembo for his consideration.

Public Notices

Selectman Fox asked Mr. Thompson to again contact the Planning Board (and any other Town Boards) that, when publishing public notices dealing with land transactions, the address of the location should be included.

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

Attest:

Richard E. Thompson
Executive Secretary-Clerk