

IN BOARD OF SELECTMEN  
MONDAY, NOVEMBER 14, 1983

Present: Chairman John E. Murray, Anne W. Donald, 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.

Utility Petition 83-12, Peakham Road

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered Utility Petition 83-13 of New England Telephone and Telegraph 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:

Peakham Road - Southwesterly approximately 145 feet northeast of Whispering Pine Road, thence turning and running northwesterly a distance of about 93 feet - Conduit.

Executive Secretary Richard E. Thompson noted that all appropriate abutters had been notified, and that the Building Inspector and the Wiring Inspector recommend approval.

It was on motion by Selectman Fox unanimously

VOTED: To approve Utility Petition 83-13 of New England Telephone and Telegraph Company, as described above, and as shown on a plan entitled, "Plan For Conduit Location To Accompany Petition of New England Telephone and Telegraph Company", dated October 25, 1983.

Relocate Pole, Union Avenue

It was on motion unanimously

VOTED: To confirm the Board's telephone vote of November 9, 1983, authorizing Boston Edison Company and New England Telephone and Telegraph Company to proceed immediately with the relocation of Pole 29/6S on Union Avenue approximately 16 feet off the roadway, in advance of receipt of petitions and a public hearing, as an emergency measure to enable road reconstruction to go forward.

Tax Anticipation Notes

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

In accordance with the Town Treasurer's communication of November 10, 1983, it was on motion unanimously

VOTED: To sign Tax Anticipation Notes in the amount of \$1,000,000, authorized by the Selectmen November 7, 1983, to be effective November 28, 1983, and due January 12, 1984, as follows:

|                               |       |      |
|-------------------------------|-------|------|
| BayBank Trust Co.             | 4.28% | 500M |
| Bank of Boston - Middlesex    | 4.44% | 250M |
| Essexbank                     | 4.49% | 100M |
| First National Bank of Boston | 4.49% | 150M |

After commenting on the lateness of tax bills going out resulting in the necessity to borrow and the daily interest paid to carry this borrowing, Selectman Fox directed the Executive Secretary to inform the Assessors that the Selectmen are to be informed by them by November 28 as to whether or not the tax bills are still on schedule to be mailed by December 15th.

Drainage Easement/Lincoln Road Subdivision

In accordance with Town Counsel's recommendation, it was on motion unanimously

VOTED: To accept a drainage easement given by Hugh E. Haggett, October 24, 1983, and to signify approval by signing two conservation restrictions under G.L.c.40, s.8C (the wording of said restrictions is subject to Town Counsels' approval), to be granted by Hugh Haggett and one individual purchaser of lots within the Haggett Contemporary Homes, Inc., subdivision, located off Lincoln Road.

Minutes

It was on motion unanimously

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

Site Plan 83-271, Mill Village Realty Trust, 361 Boston Post Road

Present: Building Inspector Joseph E. Scammon, Charles W. and William L. Hall, owner/applicant; Barbara N. Watterson, abutter and petitioner; and resident Phyllis L. Kaufman.

In accordance with Art. IX, section V, paragraph A of the Sudbury Bylaws, the Board considered Site Plan 83-271 of Mill Village Realty Trust, for property located at 361 Boston Post Road, Limited Business District #4, for the addition of one retail/office building.

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

- from the Building Inspector, dated November 10, 1983, stating that a total of 206 parking spaces including six handicapped spaces are required, and that delineation of parking spaces, location of handicapped parking spaces

(three to service the older buildings), curb ramps for handicapped and landscaping are required; when these additions are approved, the plan should be revised accordingly for signature;

- from the Health Director, dated November 8, indicating discrepancies in building square footage between the subsurface disposal plan approved in 1975 and the plan submitted October 27, 1983, and indicating that the present water usage by the existing tenants is to be quantified to determine types of businesses that can occupy new Building "I";
- from the Planning Board, dated November 1, indicating landscaping, parking spaces, handicapped ramps, fire access, provisions of the original Wetlands Protection Act Order of Conditions, wetland boundaries and flood plain boundaries, several layout details (Site Plan Rules and Regulations, section 4), are not delineated on the plan, and parking calculations are incomplete;
- from the Fire Chief, dated October 27, 1983, recommending approval;
- from the Conservation Commission, dated October 25, requesting a Notice of Intent filing;
- from the Town Engineer, dated October 24, suggesting landscaping and parking spaces be delineated on the plan; and
- a petition, received tonight and dated November 14, signed by several residents on Maple Avenue, opposing the site plan.

Chairman Murray asked the Halls to address the concerns raised by the Planning Board.

Mr. Charles Hall stated he met with the Planning Board and explained that he requested the landscape bylaw to be waived because the location of the present septic system would prevent landscaping within the parking area. Mr. C. Hall stated his willingness to plant, and note on the site plan, a row of willow trees on the north side abutting an area which the Planning Board would like to have screened from the Mill Village site.

Mr. C. Hall stated the parking spaces have now been striped (except for a small section which was forgotten but which is under contract and will be finished), and fire access lanes will be noted on the plan.

At the request of Chairman Murray, Mr. Hall agreed to meet with the Building Inspector and agree on where the handicap spaces and ramp(s) would be placed to comply with the laws. Mr. Scammon stated that twenty-four parking spaces are needed for the new building, six handicapped for the whole area.

Following comment by Mr. C. Hall, the Board agreed that they needed an explanation from the Planning Board regarding its requirement that wetland boundaries and flood plain boundaries be shown on the plan, following which, if it is still a requirement, they should be so delineated.

Selectman Fox stated he would have felt more comfortable if there was a member of the Planning Board present or if the applicant had spoken to the Planning Board after receiving its November 1 report, since there appears to be a contradiction of what Mr. William Hall stated to be their conclusion at the Planning Board hearing. Mr. Wm. Hall stated that the only issue remaining to be resolved following the Planning Board's hearing was the issue of the landscaping. He did not understand why the Planning Board had submitted such a letter to the Selectmen.

Upon direction by Chairman Murray, the Executive Secretary contacted the Planning Board and requested a member to attend the Selectmen's meeting briefly to help clarify their report; however, the Planning Board was in the midst of a public hearing and the absence of one member would have left them without a quorum.

During further discussion, the Board agreed that Mr. Hall should have submitted an "as-built" plan, showing what is existing, what is proposed and what the Town officials are requiring. Chairman Murray noted that the laws pertaining to handicapped requirements have only been effective since January, 1980, and obviously is the reason the 1976 plan has to be updated in this respect.

Mrs. Kaufman opposed the handicapped spaces being placed at the end by Carolyn Dale and had several suggestions regarding handicapped access to the shops. Selectman Fox suggested that she make her opinion known to the Building Inspector who in turn will work with Mr. C. Hall in determining their location.

The Board agreed to continue this hearing to November 21 and suggested that Mr. Hall speak to the Town Engineer, the Building Inspector and the Planning Board prior to that meeting to try to resolve some of the concerns they raised and to put any existing changes to the 1976 plan and/or any proposed changes on the site plan. Selectman Fox added that the Halls should review all the reports submitted and contact any of the Town officials or boards raising concerns they question and/or alter the site plan accordingly.

Selectman Donald suggested that the Halls address the concerns raised in the petition, i.e. lighting, etc., prior to that meeting also.

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

VOTED: To continue further discussion or voting on Site Plan 83-271 of Mill Village Realty Trust, for property located at 361 Boston Post Road, until November 21, when the Planning Board and the Halls can be present, and in order for the site plan to be updated as discussed above.

Mr. William Hall explained that if they appeared to be unprepared this evening, it was because their original site plan had been approved through a lengthy process of going before all the required Town boards and officials - an 8-9 month process, and the entire site had been completed with the exception of this small appendage, which he did not realize would require a full site plan process.

Public Hearing - All Alcoholic License, Marrone's Bake Shop

In accordance with a request from the applicant dated November 10, 1983, it was on motion by Selectman Fox unanimously

VOTED: To postpone the public hearing on the application for a Restaurant All Alcoholic License from Mary V. Marrone, d/b/a Marrone's Bake Shop, for property located at 418 Boston Post Road until Monday, December 19, 1983.

Fairbank School Building

Chairman Murray stated he had met with the Park and Recreation Commission regarding the possibility of increasing the use of the Fairbank School building for the Town's various recreational programs, placing the same under the supervision of the Commission.

Mr. Thompson distributed to the Board a communication dated November 9, 1983, received subsequent to that meeting, from the Chairman of the Commission expressing an interest in the same.

Chairman Murray stated he would follow up.

Loring School

Selectman Fox referenced an editorial in the Town Crier of October 10, 1983, which raised many questions regarding the financial status of the Sudbury Community Arts Center, Inc., including the Town's involvement with respect to inheriting the oil bill.

Selectman Fox informed the Board that he had asked one of the directors of SCAC to send a report to the Board explaining the Council's financial picture, and, that hopefully, he would be able to answer some of the questions raised by Mr. Nathanson in the editorial after reading that report.

At the request of Selectman Fox, Mr. Thompson stated he would further investigate this matter and report to the Board with information pertaining to the fuel agreement between the Town and the Arts Center.

Growth Route 20

Selectman Fox referenced an editorial in the Town Crier of October 10, 1983, regarding the "out-of-control" growth and "pitifully poor planning" of Route 20. Selectman Fox requested the Executive Secretary to schedule more discussion on the same for November 21.

Cable Television

With regard to the cable television appeal, Mr. Thompson informed the Board that the date to hear the motion for summary judgment had been set for Monday, November 21, at 10:00 a.m. in Boston.

Executive Session

At 9:30 pm. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing the reputation and character, physical condition or mental health rather than the professional competence of a single individual, where open discussion of the same may have a detrimental effect.

Chairman Murray announced that Open Session would not reconvene following the Executive Session.

There being no further business to come before the Board the meeting was adjourned at 10:30 p.m.

Attest: \_\_\_\_\_

Richard E. Thompson  
Executive Secretary-Clerk