

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 21, 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 by Chairman Murray at 7:30 p.m.

Taufiq/Peters Dog Hearing

Present: Complainant Zubair Taufiq, and Afzal Taufiq; dog owners Arthur and Odelle Peters; Dog Officer Betsy DeWallace; neighbor Oslerdire O. Croom.

Chairman Murray convened a hearing on the complaint filed and notarized by the Town Clerk on November 2, 1983, of Zubair Taufiq, 47 Easy Street, against the Shepherd dog owned by Mr. and Mrs. Arthur Peters, 53 Easy Street.

Town Counsel Paul L. Kenny swore in everyone planning to testify.

Executive Secretary Richard E. Thompson noted receipt of a communication dated November 16, 1983, from the Dog Officer Betsy DeWallace stating that Mr. Taufiq called often during the summer regarding the dog's barking day and night, and that Mrs. Peters is uncooperative.

Mr. Thompson stated previous complaints had been filed and hearings held on this dog in April of 1974, September of 1976, January of 1982 (continued for decision for one week), adding that this is the fourth complaint against this dog.

Mr. Taufiq confirmed his complaint referring to the barking as excessive, and adding that his sleep is disturbed at night and that he has called the Dog Officer on many occasions.

Responding to Chairman Murray, Mr. Peters stated the dog is inside and outside at its option, and later clarified that he meant during the daytime.

Mrs. DeWallace stated that supposedly the dog is penned outside so that it can get into the garage and out in the yard, and this is how the dog's barking can be heard by the neighbors. Mrs. DeWallace further stated that she had spoken about this problem several times to Mrs. Peters who always indicated that this is the way she wanted it and was not willing to make any changes. Later in the evening, Mrs. DeWallace stated that she had asked Mrs. Peters if she could keep her dog in at night but she said "no".

Mrs. Peters denied that and stated that Mrs. DeWallace calls about the dog and bothers her after a hard day at work. She stated she felt this was a racial issue since there are many other dogs on the street and "the Town has been after her since she had her dog."

Relative to the previous hearings mentioned, Chairman Murray noted for the record that the complainant did not appear for the 1974 hearing, and that this hearing was for a different complaint from all the others - excessive barking. Each are specifically covered/addressed under the Town's Bylaw and under State statute (section 127, c.140).

During testimony, Mr. Peters stated his dog is under control by a six foot fence erected around their backyard subsequent to the last hearing. Mr. Peters disagreed with Mr. Taufiq regarding the dog's incessant barking, stating if that were the case, he wouldn't get any sleep either. Mr. Peters stated the dog barks at random times and, to his way of thinking, it is infrequent. Mr. Peters went on to say that, because the dog is kept inside the fence, he might bark at odd times during the night, possibly when he hears animals or if he is hungry. Mr. Peters, responding to Selectman Donald when she asked if the dog was out at night, stated that the dog can move to the garage if he so chooses depending on the weather - that when the weather was nice, he probably elected to stay outside. Responding to Selectman Fox, it was noted that the dog is eleven years old and weighs approximately sixty pounds.

During testimony, Mrs. Peters stated that she is not home during the day but her dog is within the fenced area and her neighbor feeds him, and that the dog stays in the house at night and in bad weather. Later in the evening, Mrs. Peters stated her dog goes out about 6:00 a.m., and that she brings him in around 7:00 p.m., much later in the summer, and that many times it is female dogs outside the fence which make her dog bark. Mrs. Peters also stated that Mr. Taufiq's nieces annoyed her dog by poking at him through the fence.

Ms. Oslerdire O. Croom, 5 Easy Street, confirmed that the Peters' dog is confined to the fenced area. She stated that there are other dogs in the neighborhood which cause disturbances because of barking, as well, and that she personally has called the Dog Officer several times about a few other dogs on the street because of barking and, in one case, the vicious disposition of two dogs. (The Dog Officer stated she is working with the people on those complaints.)

Chairman Murray indicated the Selectmen are sympathetic to both the person who is disturbed and/or frightened by a dog, as well as, the person who loves this pet, stressing that this is not an easy matter to deal with. Chairman Murray stressed also the Selectmen's reliance on the Dog Officer to respond and deal with all complaints which are made against any dog. Chairman Murray went on to say that the law is very specific regarding the Selectmen's jurisdiction in dealing with dogs - "any dog owned or harbored within his or her jurisdiction (meaning in this case, the Selectmen) which is a nuisance by reason of vicious disposition or excessive barking or other disturbance and a complaint has been filed..."

Responding to Selectmen Fox, Mrs. DeWallace stated that, since the dog has been confined, she has received no other complaints about the dog's barking except from Mr. Taufiq, and that probably his house is lined up in such a way that only that house is susceptible.

Selectman Fox stated, on behalf of the Board, that this is not a racial issue. Selectman Fox stated that, no matter what color, everyone coming before this Board will get the same justice - they may not like it, but it will be the same.

Selectman Fox pointed out that the Selectmen pay a great deal of attention to their Town employees, as in a site plan approval they might look to the Town Engineer for guidance, so in a dog complaint hearing they will look to the Dog Officer for advice. Selectman Fox told Mrs. Peters that she would be prejudicing her own case if she does not cooperate with the appropriate Town officials.

Mr. Taufiq wanted to make the record clear and stated his nieces have not been in this country for three to four years and they did not annoy Mrs. Peters' dog as she had indicated earlier.

The Dog Officer brought to the Board's attention that, to her knowledge, since she has been Dog Officer, there has never been a fourth hearing on any dog.

Selectman Donald commented that she felt four hearings on one dog is excessive but that she had a dog which she loved and she was willing to give the Peters one more chance.

It was on motion by Selectman Donald unanimously

VOTED: In accordance with G. L. Ch. 140, that the dog, Arnold, License No. 1021, owned and harbored by Arthur Peters, 54 Easy Street, be permanently restrained, meaning the dog must be under the owner's control twenty-four hours per day, either in the house, or on a leash, or on a run or in a pen on the owners property (by means of sufficient strength to assure restraint), and, in addition, that in the winter the dog must be in the house at 8:00 p.m. and stay in until 7:00 a.m., and that in the summertime, the dog must be in the house by 9:00 p.m. and not let out until 7:00 a.m.

Selectman Donald added that the Board's alternate motion would have been to order the dog out-of-town, Selectman Donald stated that, if there is another hearing, that is what will happen, and she was absolutely positive it would not take very long for the Selectmen to vote it that way.

Mr. Peters objected to the Board's conclusion favoring Mr. Taufiq's opinion that the dog barks incessantly since it was his word against Mr. Peters with no other objection to his dog's barking.

Chairman Murray stated this is the fourth complaint against the same dog. Mr. Peters stated this complaint is not germane to the others. Mr. Peters further stated he had taken care of the other complaint by restraining his dog. Chairman Murray explained Mr. Peters' right to appeal the Board's decision within ten days of receipt of notice of tonight's hearing.

Mr. Taufiq asked about excessive barking during the day. Chairman Murray stated he should call the Dog Officer. Mr. Peters stated it has to be established that the dog is barking excessively. Selectman Donald stated that this particular complaint states that the dog is left out at night and barks throughout the night and that is what the Selectmen have addressed tonight.

Joint Meeting/Planning Board Election

Present: Chairman Theodore P. Theodores, Lael M. Meixsell and Olga P. Reed, Planning Board; Candidates Thomas W. H. Phelps and James G. Hannoosh.

Chairman Murray convened a joint meeting with the Planning Board members to interview candidates and elect by roll call vote a member to serve on the Planning Board until the next Annual Election to fill the vacancy created by the resignation of Robert Dionisi.

It was on motion by Chairman Murray unanimously

VOTED: To appoint Richard E. Thompson to serve as Clerk for the joint session of the Board of Selectmen and the Planning Board for the purpose of electing a fifth member to the Planning Board, to serve until the next Annual Town Election, in accordance with G. L. c.41, s.11, as amended.

The Board interviewed Thomas W. H. Phelps who stated he had been attending the Planning Board's meetings, that he is aware of the time commitment and is willing to run in the next Annual Town Election for a 5-year term. Mr. Phelps stated he had some strong feelings regarding the current degree of commercial development on Route 20 during the last year and felt there should be some over-all scheme for development in terms of what Sudbury will be in the future. Mr. Phelps stated he was available evenings, on a regular basis, and on weekends and that, if he were appointed to the Planning Board, he would like to investigate the various developments, rather than rely on the various maps and plans which are available. Mr. Phelps felt he could not be a functioning member immediately but that he was willing to read and become acquainted with the laws under which the Planning Board governs.

Mr. Theodores stated that the average Planning Board member spends approximately eight hours per week on the day-to-day work, which barely scratches the surface of what actually needs to be done - that they could each work full time for a long while to catch up.

The Board then interviewed James G. Hannoosh who indicated an interest in helping out by serving on the Planning Board, although, he stated, his time was limited due to a young family and a hectic job! Mr. Hannoosh had not attended any meetings but stated he had some professional background which might be appropriate for this position. In terms of development, Mr. Hannoosh stated he is not pro-commercial development - that he would like to see some restraint in that area. Mr. Hannoosh stated that he had spoken to various groups of people throughout the Town regarding their views, questioned the Selectmen as to whether there was a long-range plan existing, and stated that, if he were appointed, he would like to implement such a plan.

Chairman Murray commented that there are certain things by statute that can and cannot be done in terms of development; he said it is commendable that there are people interested and willing to spend the time in planning, because there is such a time commitment involved, and noted that, in the past, the Planning Board has had trouble getting candidates for that reason.

Selectman Donald agreed when Selectman Murray stated there are long-range plans, going on to say that then there is also what people would like to see the Town turn into, which does not necessarily agree, because what people might like may not be within the spirit of the laws - some people would like it to be like it was fifteen years ago, and that is not going to happen

At the conclusion of discussion, Chairman Murray opened nominations.

Theodore P. Theodores nominated Thomas W. H. Phelps; Chairman Murray seconded the nomination.

Selectman Fox nominated James G. Hannoosh; Selectman Donald seconded the nomination.

There being no further nominations, Chairman Murray announced that nominations are closed and requested the Clerk to proceed with the roll call vote.

Mr. Thompson read the roll call, and the following votes were cast:

Selectman Donald voted for Thomas W. H. Phelps.

Selectman Fox voted for James G. Hannoosh.

Mr. Meixsell voted for Thomas W. H. Phelps.

Selectman Murray voted for Thomas W. H. Phelps.

Mrs. Reed voted for Thomas W. H. Phelps.

Mr. Theodores voted for Thomas W. H. Phelps.

At the completion of the roll call vote, the Clerk declared that Thomas W. H. Phelps, having received the majority vote of the officers present and entitled to vote, was elected to fill the vacancy on the Planning Board, occasioned by the resignation of Robert Dionisi until the next Annual Town Election.

After a five-minute recess and upon arrival of Planning Board member Ralph Ernest Hawes, Chairman Murray reconvened the joint meeting with the Planning Board members.

Mr. Hawes submitted his letter of resignation from the Planning Board, dated November 21, and effective immediately, which was then hand-delivered to and accepted by the Town Clerk at 8:53 p.m.

Notice requirements under G.L.c.41, s.11, as amended, were waived by both the Planning Board and the Board of Selectmen.

Chairman Murray opened nominations for the purposes of electing a fifth member to the Planning Board, to serve until the next Annual Election, in accordance with G.L.c.41, s.11, as amended, to fill the vacancy occasioned by the resignation of Ralph Ernest Hawes.

Selectman Donald nominated James G. Hannoosh; Selectman Fox seconded the nomination.

There being no further nominations, Chairman Murray announced that nominations are closed and requested the Clerk to proceed with the roll call vote.

Mr. Thompson read the roll call, and the following votes were cast:

Selectman Donald voted for James G. Hannoosh.

Selectman Fox voted for James G. Hannoosh.

Mr. Meixsell voted for James G. Hannoosh.

Selectman Murray voted for James G. Hannoosh.

Mrs. Reed voted for James G. Hannoosh.

Mr. Theodores voted for James G. Hannoosh.

At the completion of the roll call vote, the Clerk declared that James G. Hannoosh, having received the unanimous vote of the officers present and entitled to vote, was elected to fill the vacancy on the Planning Board, occasioned by the resignation of Ralph Ernest Hawes until the next Annual Town Election.

Mr. Thompson informed Mr. Phelps and Mr. Hannoosh they must be sworn in by the Town Clerk.

Planning Concerns

Present: Planning Board members: Chairman Theodore P. Theodores, Olga P. Reed, Lael M. Meixsell and newly appointed James G. Hannoosh and Thomas W. H. Phelps; and see list on file in Selectmen's office.

Chairman Murray convened a joint meeting with Planning Board members, the Sudbury Chamber of Commerce and other boards and commissions to discuss planning concerns and specifically the position of a Town Planner.

The Planning Board introduced themselves.

Chairman Murray expressed his opinion that a Town Planner would be a good asset to the Town of Sudbury, and that this had been his suggestion at a recent Chamber of Commerce meeting. Chairman Murray introduced Mr. Frank Vana to speak on behalf of the Chamber of Commerce.

Mr. Vana, also co-chairman of the Business Information Committee, began by stating that the Town needs short- and long-term planning, mentioned that the Planning Board is under-manned in view of the recent building boom in Town! Mr. Vana went on to say that the Chamber of Commerce feels the planning problems in town should be addressed and possibly rectified, and recommended the concept of a full-time planner, or consultant to provide services as needed to all Town boards, be hired. Mr. Vana stated that a master plan had been developed in the 1960s (which was never accepted) and the question now is whether it is still useful or if it is out-dated. The Chamber of Commerce also agreed that reducing the term of office from five to three years would be more appropriate for the Planning Board - an incentive for people to run; it would also reduce a 2-term commitment from ten to six years. Another point addressed by the Chamber of Commerce was the absence of a designer review board. They felt that the finished product was most likely a high priority in the minds of most residents of the Town. Mr. Vana, on behalf of the Chamber of Commerce, thanked the Board for allowing them to present some of businesses' views tonight and indicated his desire that they carry on this concept of involving the local Chamber of Commerce in other issues. Mr. Vana stated that there are other businesses being represented tonight and the Chamber of Commerce would like to emphasize that it is interested in becoming an intricate part of any planning that goes on in the near future.

Mr. Vana stated the Chamber of Commerce is concerned about how much land is available for residential and commercial building, indicating the possibility that Sudbury is reaching a point of saturation, although there is still a lot of open space for residences. The problem of long-term planning is long overdue, he stated, and reiterated that the problem should be approached now.

Mr. Theodore P. Theodores, Chairman of the Planning Board, reiterated a list of what the Planning Board feels are troublesome items, which they had discussed with the Selectmen on October 5, as follows:

- the substantial increase in residential developments of a more difficult nature which takes more individual attention and time, i.e., development in wetland areas;
- the increase in commercial site plan applications, especially along Route 20; the Planning Board is concerned with esthetics, as well as having Route 20 be more useful;
- the development of less suitable land having to do with hydrology/water quality;
- the problem of density;

- the master plan, which is about twenty years old, needs review and further updating for the times;
- the question of whether there should be a change in the zoning bylaws of the Town, and, in particular, whether an Industrial Park is needed in Sudbury;
- the affect of so many special permits and variances along Route 20 for commercial uses in residential zones;
- the general subject of communication with townspeople and their involvement in planning the Town.

Chairman Murray agreed that involvement of the community is important, especially the business community, as well as awareness of the statutory regulations concerning development. He commented that the administration or the supervision of the position of Town Planner should be decided, and felt that the Town Engineer should be involved, prior to it going before Town Meeting.

Conservation Commissioner Jeffrey W. Moore referenced the Commission's letter to the Board of November 10, 1983, explaining its initial intent to share a paid assistant with the Planning Board, and the realization that the Planning Board would like a full-time person, while the Commission could use at least a 20-hour per week person, an administrative assistant, for many of the Commission's immediate needs as outlined in its letter.

Mr. Thompson suggested that the Conservation Commission forward a copy of its letter to the Planning Board for that Board's information.

Selectman Fox expressed his opinion that the need is much more critical at the Planning Board level than with the Conservation Commission.

Dr. Richard L. Stevens, Chairman of the Board of Health, expressed enthusiasm for hiring a Town Planner because he felt the growth in the Town has become a health issue, particularly along Route 20 with all the gasoline stations, each storing twenty-five to fifty thousand gallons of gasoline, and stated he looked forward to having the Planning Board deal with these issues. Dr. Stevens raised some questions which the Board of Health felt should be answered prior to Town Meeting, if an article for the creation of a Town Planner were to go forward as follows:

- to what extent will the master plan be followed by the Town Planner; and
- what power will the Town give this Town Planner to carry out whatever decisions the Town decides to make in the long-term goal, i.e., the Board of Health has State, Federal and local regulations under which they function.

Ms. Lindalee A. Lawrence, Finance Committee, stated that the FinCom is concerned about the cost of hiring a Town Planner, the secretarial need, what meetings he will have to attend and how that will affect his salary.

Chairman Murray commented on the fact that the Conservation Commission's twenty-two hearings between July and now (as was stated earlier) impacts on its budget for secretarial services, stressing the problems the Planning Board and the Conservation Commission are having because of the extra workload, which may be resolved with the hiring of a Town Planner.

Mr. Theodores stated that the Planning Board had started a survey of about ten to twelve surrounding towns relative to the position of Town Planner and all but one has a full-time person. The Planning Board have had job descriptions and salary information forwarded and will compile that information. The salary range is \$22-27,000 a year.

Responding to question by Dr. Stevens, Mr. Thompson stated that the Town Planner would not initially implement anything - he would make recommendations or give options mostly on daily routine matters that the Planning Board or the Conservation Commission would implement, and Town Meeting would make the final decision on implementation of most aspects of a so-called Master Plan.

Mr. James P. Watterson took exception to comment by Selectman Donald during the joint meeting for appointment and discussion with the Planning Board earlier this evening relative to the Town today compared to fifteen years ago. Mr. Watterson found Selectman Donald's comments disturbing because he felt the Town can be what its Townspeople want it to be, and he felt that Selectman Donald had implied to the people who are willing to work to try and solve the morass of over-development, of health, and conservation problems, that it cannot always be the way people want it to be.

At the conclusion of discussion, Chairman Murray thanked everyone for attending this evening.

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

Present: Building Inspector Joseph E. Scammon; Town Engineer James V. Merloni; Chairman Richard O. Bell, Conservation Commission; Charles W. and William L. Hall, owner/applicant; Barbara N. and James P. Watterson and other abutters.

Chairman Murray reconvened a hearing for consideration of the above-captioned site plan, continued at the Board's November 14th meeting for the purpose of the developer resolving several issues raised by Town officials, boards and commission, as well as those raised by abutters, and to update the site plan accordingly.

Executive Secretary Richard E. Thompson stated that, subsequent to last week's hearing, the Planning Board Chairman, Theodore P. Theodores, had amended the Planning Board's report of November 1, item #5, which now reads, "The application does not include the provisions of the original W.P.A. Order of Conditions as were required by the Conservation Commission."

Mr. Charles Hall distributed copies of the site plan which now contained landscaping, a row of willow trees, along the north side boundary, six handicap parking spaces (and ramps) to be located at Building "A", behind Duck Soup, at the card shop, two at Hyatt Jewelers, and one between the proposed new building and the end of the existing (four of the handicap spaces are not yet striped and approximately twenty-five parking spaces, as explained at the last hearing, have not been striped on the existing pavement but are under contract to be completed).

Mr. C. Hall stated that the parking spaces for the whole Mill Village, with thirty-two parking spaces for the proposed new building, will total 233, including the six handicap spaces, and the Building Inspector confirmed that total would be more than sufficient.

Mr. C. Hall stated his preference to use a self-standing sign (using a pail of cement) so that it could be easily moved for snow removal.

Responding to the Selectmen, the Building Inspector stated that he had not seen the site plan before this evening but that the handicapped spaces are properly shown on the plan, and that the landscaping shows the planting of seven trees.

Also, responding to the Selectmen, Mr. C. Hall stated that during conversation with the Planning Board, it was stipulated that its concern that the site plan application include provisions of the Order Of Conditions, as noted earlier, will be dealt with during the Conservation Commission/Wetland Protection Act hearing.

Conservation Commission Chairman Bell stated that the Commission did not have a certificate of compliance on the original Order of Conditions - a written Order of Conditions only good for one year, and to the Commission's knowledge, it had not been renewed.

Mr. C. Hall stated that, if it has lapsed and the Order of Conditions is no longer valid, that too would be addressed at the Commission's hearing.

Responding to the Selectmen the Town Engineer stated that the elevation of the site is all above 130 feet - it is not in the flood plain, but that said hearing is necessary because the site is less than 100 feet from the wetlands.

Ms. Judy Finerty, 28 Maple Avenue asked about the one-way drive shown on the plan, and Mr. C. Hall explained that this was a service entrance only, for better maneuverability and safety it was noted as one-way, and that it was not a public drive.

Ms. Finerty (and other abutters/petitioners present) expressed opinions that, because weekend traffic especially, out-of-towners using the mall who are not as familiar with the area, the fact that the parking area is used as a cut-through to avoid the traffic light, and because the parking area is used as a drag strip at night, parking islands should be created throughout the parking lot to eliminate the present unsafe traffic situation and in anticipation of increased traffic with the addition of another building.

Mr. C. Hall stated that a previous Board had approved a configuration for entrances/exits on the initial site plan in 1976 from the one submitted by the applicant; he expressed his opinion that his original plan for the same would have been more satisfactory, would have avoided some of the traffic problems, and that he would still be willing to change it.

(Responding to Mr. W. Hall, the abutters agreed that at least two or three times per week, between midnight and 6:00 a.m., the parking lot is used by dragsters.)

The Town Engineer stated he had no problem with the present engineering design and added that his recommendation for slowing down traffic would be the installation of speed bumps (6" rise, 1' distance), not speed humps (3" rise, 12' distance).

Mr. C. Hall stated he did not want to be susceptible to suit because of parking islands and he did not want to be responsible for speed bumps (which he stated the Town Engineer would have to design), and was unwilling to install either for those reasons.

On the question of the choice to plant willow trees and their proximity to the septic system, Mr. C. Hall responded to Mr. Watterson that it was necessary to plant a suitable vegetation for the existing conditions of the site - something that can survive in spots where there is standing water and something that will grow quickly - and that was why he had chosen willow trees. Mr. Hall went on to say that he felt the roots would go toward the stream, and that he would deal with any problem that might arise with the septic system because of the roots of the willow trees interfering with the functioning of the system.

Relative to the Maple Avenue residents' complaints about the lighting at Mill Village, Mr. C. Hall stated that he is willing to re-direct any lights that are bothersome, and that as soon as Mrs. Watterson (who he had spoken to earlier) lets him know which lights cause irritation (and what pole number they are located on), he will so inform Boston Edison who he has already contacted and who had expressed willingness to co-operate by re-directing those lights.

The Maple Avenue abutters expressed opinions that they did not want to see Mill Village from their properties, the existing building as well as what is proposed as an extension of that building, and referenced a portion of the Town Bylaw pertaining to the screening by use of evergreen trees of commercial property, if it is a visual nuisance, from abutting residential land. The abutters also reiterated their complaints regarding the noise generated from the parking areas.

Mr. C. Hall pointed out that, because most of their homes are situated on a knoll behind the entire expanse of the building(s), with the added problem of having Hop Brook between them, it would be very difficult to accomplish what the neighbors are asking.

The Town Engineer suggested, as in the past, that a six-foot stockade fence be required. Mr. Merloni felt that there was no type of screening that would really be satisfactory to the abutters, but, in his opinion, that some effort should be made.

Mr. C. Hall suggested that he establish a fund (and later the Halls offered \$1,000 for that fund) to be used by the individual homeowners at their discretion to plant evergreens in spot locations on their respective abutting properties.

Mr. Thompson stated that it is at the discretion of the Planning Board to exercise the requirement in the Town Bylaw (IX-V-k), referred to above, and that there is no mention of the Planning Board's concern in that regard on the original site plan or the site plan in question, and it was not a requirement of the 1976 site plan. Mr. Thompson added, responding to the Wattersons, that it would be appropriate for someone to bring that up to the Planning Board because it is something which can be addressed at any time, not necessarily only at a site plan hearing.

Responding to Chairman Murray, Mr. Merloni stated his opinion that the building between the residences and the parking area would act as more of a noise barrier than a fence or tree plantings.

There appeared to be some differing opinions as to the residents' preference to the type of screening, and which would offer the best noise barrier; there was some objection by one abutter, about taking up space on his property for the planting of trees, and the inconvenience of doing the work, to solve the developer's problem.

Mr. Watterson expressed his opinion that trees would offer a psychological affect and mentioned a possible combination of the trees and the fences.

Mr. Watterson expressed reluctance in working out an agreement at a set amount without knowing how many residents it affects and what amount would be necessary to solve everybody's needs.

Mr. W. Hall expressed his resentment to Mr. Watterson's inference throughout the evening regarding Halls' "broken agreements". Mr. Hall stated he has never broken an agreement or personal commitment he has made concerning or relating to the abutters of Mill Village.

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

VOTED: To approve Site Plan 83-271 of Mill Village Realty Trust, for property located at 361 Boston Post Road, Limited Business District #4, as shown on a plan entitled, "Site Plan of Land, Sudbury, Mass.", dated September 30, 1975, revised four times, the latest amendments dated November 21, made by C. Hall and shown in yellow, 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:

- a Wetlands Protection Act hearing, as required by the Conservation Commission;
- requirements pertaining to the septic system, as outlined in the Board of Health's communication of November 8, 1983;
- fire safety requirements noted in reports from the Fire Chief dated October 21 and 27, 1983;
- that flood lights used at Mill Village be directed away from residences;
- the installation of speed humps, the number and location to be approved by the Town Engineer;
- striping and identification of parking spaces to be done under the approval of the Building Inspector;
- submission of an as-built site plan;
- parking spaces designated as handicap spaces should be so marked - striped - immediately;
- the new building is to maintain the same architectural design which exists now;
- the installation of a combination of stockade fence and landscaping - to screen the residences from Mill Village as much as possible, substantially to take place behind Building "I", subject to final approval by the Selectmen.*

*In place of this condition, the Selectmen were agreeable to a neighborhood representative meeting with a representative of the developer's and mutually agreeing on the type of screening and placement of the same, subject to final approval by the Board of Selectmen.

MAPC/Powder Mill Road

The Board was in receipt of a draft work program by the Metropolitan Area Planning Council (MAPC) regarding its pending study, "Powder Mill Road, Maynard/Sudbury Work Program", dated November 8, 1983, requesting comment.

Town Counsel Paul L. Kenny expressed his opinion that the draft work program appeared to be designed to keep Powder Mill Road open. The Selectmen expressed agreement with this opinion.

Mr. Kenny referenced a meeting he attended in Concord with representatives of other abutting towns and the MAPC and stated it was his understanding that the agreement at the conclusion of that meeting was to have the MAPC look into the situation and make recommendations with alternatives for both keeping the

road open, as well as, closing the road. Town Counsel stated that the MAPC's final recommendation could be to keep the road open because of regionalization, but he did not feel they should do all that work without even considering the road being closed and giving some alternative traffic patterns or comment on this latter point, i.e., the road being closed.

Selectman Donald pointed out that the draft work program does not mention Powers Road. Chairman Murray stated that was a good point, that one of the proposals the Selectmen had from Project Management, Inc., involved Powers Road, and the Selectmen had turned it down because it only put the burden on these additional cars on neighboring streets. Mr. Kenny stated the MAPC had that plan from PMI and the Board's opposition to it had prompted him to advise them not to focus on that plan but to try to come up with some alternative to this that would work better. Town Counsel reiterated that the MAPC should be looking at the entire area and not taking a narrow approach to correcting Powder Mill Road and/or Powder Mill Road and Powers Road.

Selectman Fox asked the Executive Secretary to forward a copy of the MAPC's draft to the concerned towns, the Citizens for the Safety of our Streets Committee and PMI.

Relative to the MAPC's reference to alternative methods for financing, Selectman Fox reiterated the Board's position it has not agreed to any financial commitment on the part of the Town, and directed the Executive Secretary to so inform the MAPC.

Annual License Renewals

The Board reviewed a list of yearly license renewals and related communications, dated November 10 and 21, from the Fire Chief, stating that the Fire Department had inspected businesses needing license renewal and approved all excluding three establishments.

Executive Secretary Richard E. Thompson explained that Thomas L. McNamus, holder of an AA Package Store License for the former Wayside Package Store, Inc., (premises sold and now housing Sudbury Auto Parts) requested conditional renewal of said license subject to a complete license transfer application for a new location and/or ownership, to be filed.

It was on motion by Selectman Fox unanimously

VOTED: To hold action on renewal of the Thomas L. McManus AA Package Store License application because of the absence of a location for the same.

The Board took no action on the Sudbury House licenses because no application for renewal had been received and the premises have been closed and will change hands.

Selectman Donald suggested that the Board address the schedule of fees in conjunction with the license renewals at another time. Selectman Murray stated that some of the fees had been adjusted recently and requested that Mr. Thompson provide the Board with updated information for the Board's discussion.

Responding to Selectman Fox, Mr. Thompson responded that he was certain that the Board of Appeals had approved a Special Permit for an entertainment license for Ephraim's of Sudbury because of its location in a Limited Business District.

It was on motion by Selectman Fox unanimously

VOTED: To renew the following licenses, and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission, where applicable, for approval; said licenses shall be held until payment of fees, as required; the issuance of all licenses is subject to final approval by the Fire Chief, approval in writing from the Building Inspector and the Board of Health, compliance with zoning bylaws, and a new fee schedule being discussed;

Colonial Spirits	Package Store All-Alcoholic Beverages
MacKinnon's Liquors	Package Store All-Alcoholic Beverages
Sudbury Variety	Package Store Wine & Malt Beverages
	Automatic Amusement Devices
Sudbury Farms	Package Store Wine & Malt Beverages
Ephraim's Restaurant	Restaurant All-Alcoholic Beverages
	Common Victualler
	Weekday Entertainment
Winchester & Company	Restaurant All-Alcoholic Beverages
	Common Victualler
	Weekday Entertainment
Tom Shea's	Restuarant All-Alcoholic Beverages
	Common Victualler
	Weekday Entertainment
99 West, Inc.	Restaurant All-Alcoholic Beverages
	Common Victualler
	Weekday Entertainment
Pizza Alla Pietra	Restaurant All-Alcoholic Beverages
	Common Victualler
	Weekday Entertainment
Wayside Inn	Restaurant All-Alcoholic Beverages
	Common Victualler
	Weekday Entertainment
Ye Olde 117 House	Restaurant All-Alcoholic Beverages
	Common Victualler
	Weekday Entertainment
Bullfinch's, Inc.	Restaurant All-Alcoholic Beverages
	Common Victualler
	Weekday Entertainment

Something Simple	Restaurant Wine & Malt Beverages
	Common Victualler
	Weekday Entertainment
American Legion #191	Club All-Alcoholic Beverages
	Common Victualler
	Weekday Entertainment
	Automatic Amusement Devices
Friendly's	Common Victualler
	Weekday Entertainment
Marrone's Bake Shop	Common Victualler
Sudbury Bowladrome	Automatic Amusement Devices
Papa Gino's	Common Victualler
	Weekday Entertainment
Sudbury Pizza	Common Victualler
Colonial Auto Body of Sudbury	Used Car Class II
Mosher Auto Body	Used Car Class III
Robert E. Lohnes	Used Car Class III
	(Restricted to transport: no storage)
Steve's Auto Body	Used Car Class II
Mitchell Bistany	Auctioneer
J. David Coccoli	Auctioneer
Eugene A. Kravitz	Auctioneer

Appointment - Long Range Capital Expenditures Committee

In accordance with a verbal recommendation from Chairman Richard J. Maloney of the Long Range Capital Expenditures Committee, it was on motion unanimously

VOTED: To make the following appointments to the Long Range Capital Expenditures Committee:

Robert J. Cusack, 237 Peakham Road, to replace Alan Silver, for a term to expire April 30, 1986;

Gerald M. Orris, 23 Alta Road, to replace Frederick P. Armstrong, III, for a term to expire April 30, 1986; and

John J. Ryan, Jr., 33 Kay Street, to replace Jack Koenig, for a term to expire April 30, 1985, subject to receipt of resignation in writing from Mr. Koenig.

Resignation - Sudbury Historical Commission

It was on motion by Selectman Donald unanimously

VOTED: To accept the resignation of Emmalou Eaton, dated November 15, 1983, from the Sudbury Historical Commission, and directed the Executive Secretary to forward a very special letter of appreciation, on behalf of the Board, to Mrs. Eaton for her years of service on the Commission.

Minutes

It was on motion by Selectman Fox unanimously

VOTED: To approve the minutes of the Regular and Executive Sessions of November 14, 1983, both as amended.

And it was further

VOTED: To release the Executive Session minutes of November 14, 1983, vote only, to the press.

Reserve Fund Transfer/Casualty Insurance Acct. #950-31

It was on motion by Selectman Fox unanimously

VOTED: To approve Reserve Fund Transfer No. 15, dated November 14, 1983, to Unclassified, Casualty Insurance, Acct. #950-31, in the amount of \$12,000, to pay the balance of two liability policies (effective July 1, 1983), and as further explained on the numbered transfer.

Walkway - Route 20

Selectman Fox stated he had received a telephone call from Carol R. Sokoloff inquiring about a walkway on Route 20 and explaining that she had called the State (Route 20 being a state highway) which in turn informed her that the State would not install the walkways, but that the State would not oppose it if the Town wanted to do so.

Executive Secretary Richard E. Thompson stated he had also received a telephone call from Mrs. Sokoloff, and that he had requested that she submit something in writing to the Selectmen's office, and that he would follow up.

Tax Bills

Selectman Fox stated he spoke to the Assessors earlier this evening inquiring about the schedule for mailing out tax bills. The Assessors stated that they would know by this coming Wednesday if they were on schedule to meet their December 15th Deadline.

Loring School

Selectman Fox asked the Executive Secretary if he had the information requested last week regarding the oil bills for the Loring School; additionally, he questioned: 1) if the Sudbury Community Arts Center had rented all the available space; and 2) at what point the SCAC will be in breach of the lease for non-payment of utilities.

Because of the late hour, the Selectmen agreed to address this subject at their next week's meeting; Mr. Thompson stated he would provide the Selectmen with the answers to the additional questions Selectman Fox raised tonight, and that he would forward a copy of the Loring School lease to Selectman Fox for his information.

Massachusetts Municipal Association (MMA) Annual Meeting

Selectman Donald reported on her attendance at the MMA annual meeting held in Hyannis on Saturday, November 19th.

Sanitary Landfill

Executive Secretary Richard E. Thompson stated that he had received a request, dated November 15, 1983, from Mrs. Margaret L. Cook-Tristan that consideration be given to opening the Sudbury Landfill earlier than 9:00 a.m. once or twice a week to accommodate individuals who are unable to use the Landfill within the current hours of operation because of their work schedules.

The Board directed the Executive Secretary to follow up with Highway Surveyor Robert A. Noyes, also mentioning Mrs. Cook-Tristan's concern regarding the poor maintenance of the roadway into the Landfill.

Selectman Donald asked the Executive Secretary to follow up on the comparative cost to Wayland operating under a public, versus a private, landfill operation. Mr. Thompson stated that he had requested that information this past August and that the Wayland Highway Commissioner had not responded, but that he would follow up.

L-S FY85 Budget

The Board acknowledged receipt of a FinCom communication to Mr. William King, Chairman of the Lincoln-Sudbury High School Committee, recommending FinCom guidelines for the L-S FY85 budget.

Reorganization/Sudbury Police Department

Chairman Murray suggested and the Board agreed to discuss sometime soon the possible structural reorganization of the Police Department.

CATV Hearing

Selectman Fox informed the Board that through Town Counsel he learned that the cable television hearing today on Adams-Russell's request for summary decision was taken under advisement.

Collective Bargaining

There was a consensus of the Board to allow the Executive Secretary to proceed with collective bargaining in accordance with the Town's proposals as presented to the Board in writing dated November 21, 1983 for each of the respective local unions, as prepared by the Executive Secretary.

Selectman Fox stated that he had no substantial changes but needed some clarification of certain proposals and would contact the Executive Secretary during the week.

Horse Pond School/Fire Academy

Chairman Murray informed the Board that on inquiry he had learned that state funds to reimburse the Town for the sale of the Horse Pond School should be forthcoming.

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