

IN BOARD OF SELECTMEN  
MONDAY, OCTOBER 24, 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 Petitions

Present: District Manager Walter J. McGauley (attended briefly) and Edmund F. Kelley, Boston Edison Company.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered the following Utility Petitions:

a. Utility Petition 83-10, Sylvan Way.

Present: Sharon L. Smith, 12 Sylvan Way.

Petition of Boston Edison Company and New England Telephone and Telegraph Company, for permission to erect or construct one (1) guy wire and anchor to be used in common by them, upon, along, and across the following way of the Town:

Sylvan Way - northerly side approximately 365 feet west of Coach Road  
One (1) guy wire and anchor.

Mrs. Sharon L. Smith of 12 Sylvan Way expressed some concern regarding the placement of the guy wire and the esthetics of the same from the street.

Mr. Edmund F. Kelley of Boston Edison stated that the guy wire was necessary to support heavy cable on pole 246/3 and it would be at a 45 degree angle from the pole running parallel to the street and located on the public way; also, that it would be screened by some low bushes which are already there. Mrs. Smith mentioned another unrelated disturbance she is encountering because of branches hitting the electrical wires and, at her request, Mr. Kelley stated he would discuss that with her at her convenience. At the conclusion of discussion, Mrs. Smith stated she had no objection to this utility petition.

It was on motion by Selectman Fox unanimously

VOTED: To approve Utility Petition 83-10 of Boston Edison Company and New England Telephone and Telegraph Company, as described above and as shown on a plan entitled, "Plan of Sylvan Way, Sudbury, Showing proposed location of guy wire & anchor", dated June 22, 1983.

b. Utility Petition 83-11, Maynard Road

Present: Don Akin, 92 Maynard Road; and David Bradbury, The Co-operative Bank of Concord, representing the developer.

Petition of Boston Edison Company and 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:

Maynard Road - southwesterly direction approximately 2350 feet northwest of Hudson Road, a distance of about 48 feet of conduit.

Mr. Kelley stated the reason for the petition is to provide underground service to a new residential development.

Responding to Mr. Don Akin of 92 Maynard Road, Mr. Kelley stated that they would not be using the same cut which was made for the water line. Mr. Akin expressed annoyance with the developer of "Goodnow Meadows" regarding the length of time it took for the water trench to be paved despite his telephone calls. Mr. Akin questioned if this might be the case again when the road is cut for the electrical work and questioned whether there should be a charge (fine) to the contractor in circumstances such as these which could endanger the public.

Mr. Thompson stated that he would contact the Water District and inquire about the delay Mr. Akin mentioned in filling the trench.

Mr. David Bradbury of the Co-operative Bank of Concord, representing the developer explained that the water ditch had been filled the day after construction, that they allowed one day for settling before paving. Mr. Bradbury continued to say that as soon as the utility companies install their cables that trench can also be filled and the road properly paved, and urged the Board to approve the petition for that reason.

Selectman Fox brought up the question of liability and there was some discussion relative to a bond, not for completion of the work, but for indemnification in case someone gets hurt.

Executive Secretary Richard E. Thompson reminded the Board that during discussion of Town insurance coverages some time ago, indemnification insurance had been discussed and disregarded because it was too costly. However, Selectman Fox felt that Boston Edison should indemnify the Town. The Board agreed.

It was on motion by Selectman Fox unanimously

VOTED: To approve Utility Petition 83-11, Maynard Road, of Boston Edison Company and New England Telephone and Telegraph Company, as described above and as shown on a plan entitled, "Plan of Maynard Rd., Sudbury, Showing Proposed Conduit Location", dated September 27, 1983, subject to Boston Edison signing an Indemnification Agreement which would be subject to Town Counsel's approval.

Mr. Bradbury commented that it took a great deal of time for Boston Edison's engineers to cooperate with the developer for the plan showing placement of the utility petition and predicted that it would take as long (eighteen weeks) for their counsel to draw up an indemnification agreement which in turn would delay pavement of the road.

(Mr. Thompson mentioned earlier for the record that all appropriate abutters and Town officials had been notified, and that a favorable report had been received from the Building Inspector on each petition, both dated October 20, 1983.)

#### Town Fathers Forum

At 8:00 p.m. Chairman Murray convened the 152nd Session of the Town Fathers Forum, a copy of which is attached and is part of these minutes.

Following the Forum, Chairman Murray recessed the meeting for coffee and conversation.

#### Tentative 84ATM Articles

Present: Town Engineer James V. Merloni; Fire Chief Michael Dunne; and Marjorie Wallace, Finance Committee.

During review of a list of possible subjects for 84ATM articles the Board directed the Executive Secretary to proceed with drafting articles for the following tentative list:

For the December 1st closing:

- Street Acceptances (standard article)
- Bylaw: Pumping Fees
- Amend Bylaws: Wiring Fees (tentative item from Building Inspector)
- Amend Bylaws, Art. V. s.3, to establish \$10 penalty charge for late dog licensing
- Sell Tax Possession Land to abutter (Stone Road)
- Change name of Longfellow Street to Longfellow Road
- Amend Sign Review Bylaw (more restrictive, smaller, less visible signs)

For January 3rd closing:

- Hear Reports (standard article)
- Temporary Borrowing (standard article)
- Exempt Police Department from Civil Service - Special Act
- Appropriation for resurfacing Route 20 railroad crossing at Nobscot Road
- Authorization to spend \$20,000 grant received from the Mass. Historical Commission for the Hosmer House Development Project, under direction of the Sudbury Historical Commission
- Authorization for Selectmen to review and approve the 128 RESCO Service Agreement (regional resource recovery)
- Stabilization Fund
- Retirement Fund

A subject discussed - Amend Zoning Bylaw, Planned Reuse District, which affects land and buildings in public ownership - as a possible article (which if included would come under the December 1st closing) was held for discussion at a later date. Tentatively, the Board has for review a copy of the Town of Framingham's bylaw for planned reuse district and which could be used as a base for drafting an article.

Relative to the article for street acceptances, Town Engineer James V. Merloni stated there would be approximately six on the list.

The Fire Chief indicated he may be asking for one pumper, approximately \$120,000.

#### Report Word Processor/Selectmen

The Board accepted and endorsed a report dated October 14, 1983, from Administrative Secretary Janet Silva concerning the purchase of a word processor for the Selectmen's Department. It was understood that a request for transfer of funds from the Reserve Fund would be required.

Chairman Murray commended Mrs. Silva for her diligent work and thorough report.

#### Site Plan 83-270 Prime Plus Two Realty Trust, 8-10 Concord Road

Present: Building Inspector Joseph E. Scammon; Fire Chief Michael Dunne; Town Engineer James V. Merloni; Nancy J. Taylor, Prime Plus Two Realty Trust; Charlton B. Coburn, Jr., and Lynne H. Remington, Colburn Engineering, Inc.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan 83-270 of Prime Plus Two Realty Trust, for property located at 8-10 Concord Road, Limited Business District #3, for conversion of one building to office space and enlargement of the parking area.

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

- from the Town Engineer, distributed at the hearing and dated October 24, 1983, recommending approval with a waiver of section IX (V,N)4, Front Yard, of the Landscape Bylaw to allow the placement of the parking area within the 20 foot buffer and landscape strip, only if additional landscaping is provided along the street within the buffer area; and subject to approval by the Board of Health with regard to the existing septic system;
- from the Building Inspector, dated October 20, 1983, recommending approval conditioned on the addition of screening each row of cars by planting four foot evergreens close to the inner edge of the lawn areas;

- from the Conservation Commission, dated October 18, 1983, indicating no jurisdiction as there will be no impact on the wetlands;
- from the Board of Health, dated October 21, 1983, indicating that the subsurface disposal system has been satisfactorily inspected and stipulating that the building be used for dry goods and office space only, no business requiring extensive water usage, manholes be installed on septic system and distribution box, and Town water supplied; and
- from the Planning Board, distributed at the hearing and dated October 24, 1983, recommending approval with the above-noted bylaw waiver provided that screening shrubbery be planted.

Mr. Thompson noted for the record that the Fire Chief had reported to the Planning Board that he had no objections to the site plan.

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

VOTED: To approve Site Plan 83-270 of Prime Plus Two Realty Trust, for property located at 8-10 Concord Road, for the conversion of one building to office space and enlargement of the parking area, as shown on a plan entitled, "Site Plan of Land in Sudbury, Mass.", dated September 27, 1983, subject to all governmental laws and regulations including, but not limited to, zoning, building, and health laws and regulations, and further subject to the following conditions:

- the planting of low shrubs for screening at the street edge of the parking lot; and
- conditions set forth in the Board of Health's report of October 21, 1983, with the elimination of the "dry goods" option for allowed use.

And it was further unanimously

VOTED: To waive the Landscape Bylaw, s. IX (V,N) 4, Front Yard.

#### MMA Legislative Matters

The Board acknowledged receipt of a communication dated October 13, 1983, from the Massachusetts Municipal Association updating the Town on Legislative matters.

During discussion, the Board took the following positions:

- S-2161 pension funding reform legislation, support;
- H-6688 increased local liability for street defects, the so-called "pot hole" bill, threat of a 300% liability increase, opposed; and
- H-6710 right-to-know legislation, involving local government in its administration, no position.

### Post Hunting Signs

As a follow up to last week's discussion relative to a communication dated October 7, 1983, from the Conservation Commission recommending that major roads entering Sudbury be posted as to bylaw provisions regulating hunting in Sudbury (both on private and public land), Executive Secretary Richard E. Thompson reported as follows:

- Police Administration Assistant Peter B. Lembo questions the need;
- The Highway Department gave a cost estimate of \$25.36 per sign and indicated a total of sixteen major roads entering Sudbury;
- Assistant Town Counsel Thomas M. French is not in favor because all licensed hunters should be aware of the State hunting laws and the conservation lands are posted through the Commission, but suggested the following wording if signs are installed: "No hunting in Sudbury except with written permission of owner".

Following discussion it was on motion by Selectmen Fox unanimously

VOTED: To direct the Executive Secretary to contact the Conservation Commission informing them of the cost involved and inquiring about how strongly that Commission feels about the installation of the signs, and report back to the Board.

### Minutes

It was on motion by Selectman Fox unanimously

VOTED: To approve the minutes of the Regular Session of October 17, 1983, as amended.

### Sign at Landfill

It was noted that a new sign had been installed at the landfill.

### Police Station

Selectman Fox referenced a communication dated October 13, 1983, written by Permanent Building Committee Chairman Michael Melnick to the contractor for the Police Station renovations, Hugo Construction.

Chairman Murray expressed his opinion that the letter did not address certain items that he considered more important problems, i.e., the continual freeze-ups in the front of the building since the station was remodeled, the leak in the roof around the solar panel, lack of heat in the detective's room and the juvenile office and electrical problems which were corrected at the Town's expense.

Following discussion the Executive Secretary was directed to contact Mr. Melnick and ask that he in turn contact the architect and the contractor setting a deadline for completion of those items listed by Chairman Murray with notice that Town Counsel will be notified if the deadline is not met.

Park and Recreation Open Discussion Meeting

Upon questioning by Selectman Donald, Chairman Murray stated he planned to attend a Wednesday evening, November 2nd meeting, sponsored by the Board of Park and Recreation Commissioners for open discussion on the future of facilities and programs in Sudbury.

Composting Toilets

Selectman Donald directed Mr. Thompson to forward to the Health Director an article - "Composting toilets can be effective in a home" for his information, and possible change in regulations and/or bylaws to include them.

Transfer - Fire Department, Acct. 310-21

Following a brief discussion, it was on motion by Selectman Donald unanimously VOTED: To approve Request for Transfer No. 6, dated October 6, 1983, from the Reserve Fund, to Account 310-21, in the amount of \$2,500 for dental work required by FF/EMT David Frost for an on-the-job injury.

Share: Occupational Health Program

The Board acknowledged receipt of an October 14, 1983, communication from the Sudbury Public Health Nursing Association (SPHNA) relative to "Share: Occupational Health Program" and directed the Executive Secretary to work with SPHNA relative to some type of program which they might be interested in for the future which would provide some aspect of service as provided by the Leonard Morse Occupational Health Services, Inc., explained in a communication under cover letter dated September 27 to the Executive Secretary and forwarded to SPHNA.

Pro-Rating Licenses

Following a lengthy discussion on the subject of pro-rating alcoholic beverages licenses when there is a change in ownership or a new licensee, it was on motion unanimously

VOTED: To adopt a policy of pro-rating the fee on a quarterly basis for any new or transferred all alcoholic beverages license issued during the calendar (licensing) year issued after July 1 of that year.

Halloween

In the interest of safety of the children, it was on motion by Selectmen Fox, unanimously

VOTED: That Halloween should be celebrated on Sunday, October 30, 1983, instead of Monday, October 31, for the purposes of children trick-or-treating in the Town of Sudbury.

Selectman Donald directed the Executive Secretary to consult with the Juvenile Officer about obtaining reflectors for 1984 - donated by local business, hopefully, for the children to wear on Halloween night, as certain other town(s) are doing for the safety of the children.

The Executive Secretary was further directed to contact the school and the press for public notice regarding the Selectmen's above note as quickly as possible.

Budget Meeting

Mr. Thompson reminded the Board of its departmental operating budget review meeting, December 3, at the Loring Parsonage from 9:00 a.m. to Noon.

Maynard Dump/Maynard Rod & Gun Club

Executive Secretary Richard E. Thompson reported that Health Director Michael Sullivan is of the opinion that there is no danger to the Town of Sudbury as a result of any seepage of iron from the Maynard dump which was detected in groundwater at the Maynard Rod & Gun Club, according to information from Mr. Bunce of the club.

Emergency Medical Services Week

It was on motion unanimously

VOTED: To sign a proclamation designating the week of November 13 through 19 as Emergency Medical Services Week in the Town of Sudbury.

There being no further business to come before the Board, the meeting was adjourned at 10:24 p.m.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk