

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 13, 1984

Present: Chairman John E. Murray, Anne W. Donald and Myron J. Fox.

Tax Anticipation Notes

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

In accordance with a communication dated February 8, 1984, from Town Treasurer Chester Hamilton, it was on motion unanimously

VOTED: To sign Tax Anticipation Notes in the amount of \$2,000,000, dated February 22, 1984, due May 15, 1984, as follows:

Boston Safe Deposit & Trust Co.	4.96%	250M
Bay Bank Trust Co.	4.98%	500M
Bank of New England	5.00%	250M
Bank of Boston - Middlesex	5.07%	250M
Essexbank	5.12%	250M
Bay Bank Trust Co.	5.14%	250M
Bank of Boston	5.14%	250M

Utility Petition 84-7 - Powder Mill Road

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered Utility Petition 84-7 of New England Telephone and Telegraph 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:

Powder Mill Road - on the westerly side approximately
8 feet southerly of Powers Road, one (1) Telephone
Pole Location #65-4/X.

Executive Secretary Richard E. Thompson stated that all appropriate abutters had been notified, and that a favorable joint recommendation had been received from the Wiring and Building Inspectors, dated February 9, 1984.

Mr. Thompson further stated that Mr. Joseph Bausk of New England Telephone is unable to attend this hearing, but that he had telephoned the office to explain that this petition is for a new pole because the Edison pole is too congested to hold the telephone lines. The new pole will be placed across the street to gain clearance for lines, and that, according to Mr. Bausk, the pole could not be placed on the same side of the street as the rest of the poles.

It was on motion unanimously

VOTED: To approve Utility Petition 84-7 of New England Telephone and Telegraph Company, as noted above, and as shown on a plan entitled,

"Plan For Telephone Pole Location To Accompany Petition of New England Telephone and Telegraph Company", dated January 23, 1984.

Coatings Engineering Corp. - License to Store Inflammables

Present: General Manager Thomas G. Craig and Technical Manager Albert J. Zaccone, Coatings Engineering Corporation; Fire Chief Michael Dunne; Michael W. Guernsey, Board of Health; and residents, Mr. Clifford Hughes, 27 Concord Road; and Mrs. Judith Cope, 80 Plympton Road.

Chairman Murray convened a public hearing, continued from January 4, 1984, on the application of Coatings Engineering Corporation for a license to store 2000 gallons inflammables aboveground (Methyl Ethyl Ketone, Methyl Isobutyl Ketone, Toluene, Isobutanol) at 33 Union Avenue.

Executive Secretary Richard E. Thompson distributed copies of a February 9, 1984, communication from the State Department of Environmental Quality Engineering (DEQE), and Board of Health member Michael W. Guernsey pointed out the following:

- This letter is a response to Coatings' letter of December 7, 1983; he commented that there are some tie-ups in receiving communications back from the DEQE, and he did not feel Coatings should be held entirely responsible for these delays.

- The DEQE talks about a carbon absorption approach for volatile organic compound emissions control in the primer area, and Mr. Guernsey stated that Coatings has completed testing and determined that this approach does not work in its plant and that is why Mr. Craig is proposing the catalytic incinerator. (It was Mr. Guernsey's understanding that Coatings had filed another letter with the DEQE for a permit to approve the catalytic incinerator.)

- With reference to the electrified filter bed (EFB) unit, Mr. Guernsey stated that, from what he could see, the EFB is a far better unit than the other two flatbeds - the primary source of air pollution coming out of that plant. Coatings is trying to get DEQE approval on one EFB unit which is in place so that they can put a second EFB unit in to take the place of the precipitators that they presently have in there, which should clear up most of the pollution problems. Mr. Guernsey stated again that it is not totally Coatings' fault that there are so many delays in communications between it and the DEQE.

- Mr. Guernsey referenced Mr. Craig's schedule for the completion of several items in the priming area and engineering drawings of the enclosure to be installed around the larger-capacity tank.

Mr. Guernsey stated that the Board of Health has no doubt that progress is being made, although it might be slower than what everyone would like it to be. He stated that a new water control system has been installed by Camp, Dresser and McKee, and that the Board of Health has taken water samples and sent them out for analysis (results expected in 3-4 weeks), and that the Board of Health feels confident that the new system should work. The Board of Health had Briggs Engineering do some analyses in the work area; namely,

around the priming area. The Board of Health's biggest concern is for the safety of the employees in the primer area near the ovens where Coatings has a level of 1,000ppm of Methyl Isobutyl Ketone (OSHA's limit is 100ppm), which is ten times OSHA's limit. Mr. Guernsey stated that these Ketones cause brain damage and show up in the liver, and the Board of Health is concerned about the effect on the employees. Mr. Guernsey went on to say that withholding the 2,000 gallon license is keeping employees dipping in a 165 gallon tank instead of the 750 gallon tank and it has reached a point where this system is almost counter productive because employees are being placed in an unsafe environment. Allowing Coatings to go back to the 750 gallon use, enclosing the primer area, installing the catalytic incinerator and some other monitoring devices inside the enclosed area, will greatly improve that area. Under no circumstances is the Board of Health saying that the rest of the items can halt; Coatings has to continue on. By the temporary license expiration date of October 1, the Board of Health would hope that the whole area can be looked at again; that, not only would this project be done, but that the second EFB unit would be in, working, and adjusted. If this is not the case, Mr. Guernsey stated, the license would have to be reconsidered again.

With regard to the letters received from the DEQE, which ask for a new test within forty-five days, for the record, Mr. Guernsey stated that, when that test is done, the Board of Health would like to be present.

Responding to Selectman Fox, who questioned whether the Selectmen should condition a vote of approval on the December 9 DEQE letter, Mr. Guernsey responded in the negative. Mr. Guernsey added that he would hope that Coatings would work as fast as they can to get the second EFB unit in.

On the Board of Health's suggestion, Selectman Fox stated that the permit would expire October 1, and if Coatings did not comply with the conditions set forth in the Board of Health's above-noted communication, another public hearing and another presentation would be required for the Selectmen to reconsider a new license application.

Mr. Guernsey pointed out that the Board of Health had adjusted its recommendations so that items 1 and 3 in its letter of February 3 are reversed.

Responding to Judy Cope, who stated she had been involved with this matter since the beginning, and who questioned Coatings' cooperation, which, she stated, had been a problem when she was heavily involved, Mr. Guernsey stated there is a willingness to do something, that cooperation is sometimes with reservation, and the pressure has to be there from the Board of Health.

Also responding to questioning by Mrs. Cope, Mr. Guernsey stated that the lagoon is not being used any more. It has been cleaned out and the material shipped out on trucks; Coatings is waiting for the DEQE to say that the lagoon is empty of all hazardous waste materials and can be filled in. Mrs. Cope asked if the Board of Health had checked to see if anything had migrated downstream from the days of the exterior discharge. Mr. Guernsey stated that

they have taken a lot of water samples, not mud samples, and nothing is being picked up.

Responding to Mr. Clifford Hughes regarding the additional storage of 2,000 gallons, Mr. Guernsey explained that twenty-two pounds of vapor per hour evaporates which equals an estimated 20-25 gallons per day.

Mr. Guernsey added that the problem Mr. Hughes is having (odor from stack) is mainly coming from the #1 and #2 flatbed on the old precipitator system, which will be replaced by the EFD units and is one of the approvals Mr. Craig is trying to get from the DEQE by October 1.

In accordance with the zoning bylaw, Article IX(III,B,1), Mr. Hughes pointed out that in Coatings' zone the bylaw prohibits, "any use which may produce a nuisance or hazard from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapors, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may adversely affect or impair the normal use and peaceful enjoyment of any property, structure or dwelling in the neighborhood, contamination of ground water, pollution of streams or other atmospheric pollutant beyond the lot on which such use is conducted."

Mr. Thompson confirmed that the Building Inspector could place a cease and desist on Coatings in accordance with this bylaw upon complaint from Mr. Hughes (or anyone else). Mr. Hughes added that there is a fine of \$100 per day until the problem is solved, although he understood that this was not an automatic fine. Under these circumstances, Mr. Hughes stated he would be willing to have the Selectmen allow Coatings his license for increased storage until October 1 and see what happens.

Selectman Fox commented that he was prepared to make a motion, pointing out that when the Selectmen are not comfortable with certain issues, they request Town Counsel's office to prepare various votes from which the Board can choose; he, therefore, made the following motion, prepared by Town Counsel's office.

It was on motion by Selectman Fox unanimously

VOTED: To grant Coatings Engineering Corporation a license for the above ground storage of 2000 gallons inflammables (Methyl Ethyl Ketone, Methyl Isobutyl Ketone, Toluene, Isobutanol) on property located at 33 Union Avenue, Sudbury, with said license to issue and become effective upon the enclosure of the company's priming area as approved by the Sudbury Building Inspector, Fire Chief, and Board of Health and the Massachusetts Department of Environmental Quality Engineering, with said license to expire on October 1, 1984, unless renewed or extended by this Board prior to that date, and with said license to be subject to the following conditions and restrictions which are to be referenced or noted upon the document evidencing such license:

1. All employees working in the priming area shall be equipped with positive pressure respirators capable of eliminating pollutants from inhaled air.

2. The company shall permit and cooperate with inspection of its fire alarm system on a monthly basis and its sprinkler system on a monthly basis, to be done by representatives of the Sudbury Fire Department and Coatings' insurance company.
3. The company shall, at approximately six month intervals, submit verification from a licensed fire extinguisher company that the dry chemical and CO₂ fire suppression systems are operable and conform to then-current code requirements.
4. The company shall supply to the Sudbury Fire Chief and the Board of Health a complete list of the kinds and amounts of chemicals used or stored at the premises and the Material Safety Data Sheet for each chemical, and shall update forthwith such information as and when it changes.

Colonial Spirits/Change in Description

Present: Treasurer Stephen P. Steinberg and Manager Edward L. Morrill, DuRobtrater, Inc., d/b/a The Colonial Spirits.

Chairman Murray convened a public hearing on the application for approval of a change in the description of the premises from Edward L. Morrill, Manager, DuRobtrater, Inc., d/b/a The Colonial Spirits, for property at 474 Boston Post Road, in connection with his all alcoholic beverages package store license.

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

- from Stephen P. Steinberg, dated January 13, 1984, enclosing the necessary documents for application to incorporate changes in the premises of its new location to reflect as-built conditions;
- from the Building Inspector, dated February 10, 1984, indicating no objection to the application;
- from the Fire Chief, dated February 10, 1984, stating upon inspection he finds the building not yet ready for occupancy; and
- from the Board of Health, dated January 30, 1984, stating that the subsurface disposal system has been installed in accordance with the approved plans; however, occupancy cannot be approved until the required retaining wall along the eastern property line has been completed.

Responding to Chairman Murray, Mr. Steinberg stated that construction should be completed within two months; landscaping would not be done until April; a masonry product to cover the outside of the building requires warm weather for installation; and the stone wall on the easterly side of the property will be completed in the warmer weather.

Responding to the Selectmen, Mr. Steinberg stated he is very aware of the controversy regarding the structure, and expressed his feelings that there is some unfairness associated with the same. Mr. Steinberg

stated he hired a fine architect who based the design on the surroundings. He saw the B.P. Sousa Tire Center, two large self-service gasoline stations across the street, a gasoline station abutting, a large Raytheon installation and an indoor tennis court behind the property, and, therefore, did not feel "colonial" design was absolutely necessary. Mr. Steinberg stated he had no pre-dispositions for modern design - it just happened to be the way the architect designed it.

At Selectman Fox's suggestion Mr. Steinberg stated that he would do whatever he can to make people feel a little more comfortable with the building in terms of planting, outdoor fixtures, etc.

Mr. Steinberg stated that Boucher Associates started the landscaping plans two years ago and those plans are being finished up now. Mr. Steinberg stated he would submit the plans to the Selectmen. These plans would specify types of plantings and where walkways would go. (Selectman Fox later suggested that Mr. Steinberg also ask for input from the Planning Board on the landscaping plans.)

Mr. Steinberg went on to say that there were difficulties which he inherited with the site and which account for some of the massive appearance of the building - the lot was less than one half acre, the water table precluded the possibility of any basement for storage and bottle return, therefore, these are on the second floor, which is by no means efficient but the only possible thing they could do. Mr. Steinberg felt the landscaping would soften the appearance of the building.

Mr. Steinberg stated he is following recommendations from the Sign Review Board to not put up a free-standing sign, but will install a non-lighted sign on the face of the building.

Responding to the Selectmen, Mr. Steinberg stated that there are no changes on the first floor except the number of exits, and the description now includes the second floor.

Responding to Selectman Fox, Mr. Morrill explained that the structure is set into a clay and sand base and the building could not be a heavy, massive structure - it had to be relatively light; it is highly energy efficient, although storage on the second floor is not conducive to windows there.

Selectman Fox reiterated that he was simply relaying comments/concerns expressed to him by concerned residents. He referenced the Board of Health's condition that the retaining wall be constructed before the occupancy permit could be issued.

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

VOTED: To approve a change in the description of the premises from Edward L. Morrill, Manager, DuRobtrater, Inc., d/b/a The Colonial Spirits, for property at 474 Boston Post Road, in connection with his all alcoholic beverages package store license, provided, however, that occupancy of the building cannot be approved until the required retaining wall along the easterly property line has been completed, subject to Alcoholic Beverages Control Commission approval.

Transfer Alcoholic Beverages License - Giovane, 447 Boston Post Road

Present: Antonio Giovane, Manager, Giovane & Manion, Inc.; Philip K. Magiannis, d/b/a Philip's Pizza, and Atty. Douglas J. Rowe.

Chairman Murray convened a public hearing on the application for a transfer of an all alcoholic beverages restaurant license from Antonio Giovane, Manager, Giovane & Manion, Inc., to Philip K. Magiannis, d/b/a Philip's Pizza, at 447 Boston Post Road; also, for permission to pledge said license to Giovane & Manion, Inc., as collateral for a loan.

Executive Secretary Richard E. Thompson stated that all appropriate abutters and Town officials had been notified, return receipts returned.

Mr. Thompson noted for the record that two of the documents needed to have the application complete have been received tonight - the probation verification for Philip K. Magiannis has not been received and Mr. Thompson recommended that, if the Board approves the license transfer, it be approved subject to receipt of the same.

Atty. Douglas J. Rowe for Mr. Magiannis stated that he would have the probation record tomorrow.

Mr. Thompson noted receipt of the following documents with regard to this license application:

- a vote of Giovane & Manion dated January 27, 1984, authorizing the transfer of the license, and a Clerk's Certificate, dated February 10, 1984, authorizing the sale of all assets to Philip Magiannis;

- a tax attestation form for the Department of Revenue, from Mr. Magiannis (he verbally confirmed that it was his signature on the form), and a tax attestation form from Antonio Giovane;

- a February 13, 1984, communication signed by Douglas J. Rowe and Mr. Giovane's attorney acknowledging termination of the lease of Giovane & Manion, Inc., and the creation of a new lease in substantially the same form contingent on the transfer of the business and All Alcoholic Beverage License;

- a certificate of naturalization of Philip K. Magiannis;

- a certificate of change of directors or officers of Giovane & Manion, Inc., dated February 10, 1984;

- a State business declaration, dated February 3, 1984;

- a unanimous consent of the directors and stockholders of Giovane & Manion, Inc., consenting to action involving stock and authorizing Antonio Giovane to sign all documents necessary to effectuate said stock transfers;

- from the Building Inspector, dated February 10, 1984, stating no objection to the issuance of the license transfer;

- from the Fire Chief, dated February 8, 1984, stating no objection;
and

- from the Board of Health, dated February 6, 1984, stating all deficiencies previously noted in a December 21 communication have been corrected and stating no objection to the transfer of the license.

Atty. Rowe stated that this is a new business filed in January, 1984; it is an individual ownership but Mr. Magiannis may be back with a corporation in the future. The intention is to have the license transfer effective March 1, 1984, he stated.

Responding to Selectman Fox, Atty. Rowe stated that the applicant has worked out oral lease terms with his landlord (as noted in the aforementioned communication).

Chairman Murray stated that no license would be issued until Mr. Giovane surrenders his current license.

It was on motion by Selectman Fox unanimously

VOTED: To approve the transfer of an all alcoholic beverages restaurant license from Antonio Giovane, Manager, Giovane & Manion, Inc., to Philip K. Magiannis, d/b/a Philip's Pizza, at 447 Boston Post Road;

and it was further

VOTED: To allow Philip K. Magiannis to pledge said license to Giovane & Manion, Inc., as collateral for a loan; both parts of said vote, however, being subject and conditioned upon the receipt of a probation report within one month on Philip K. Magiannis which contains no arrest record, and further subject to Alcoholic Beverages Control Commission approval.

Amend Site Plan - Mobil Oil Corp., 432-4 Boston Post Road

The Board acknowledged receipt of a February 2, 1984, communication from Atty. John C. Powers for Mobil Oil Corporation, 432-4 Boston Post Road, relative to site plan 83-251.

Executive Secretary Richard E. Thompson explained that Mobil Oil Corporation needs to update its site plan by showing the location of the new underground storage tank (and the elimination of the old one), and is requesting an amendment for a new sign, which is non-conforming because it is too close to Route 20. Before proceeding to the Board of Appeals for a variance on the non-conforming sign, Mobil Oil needs an approved "as built" site plan from the Board of Selectmen. Mr. Thompson recommended that the Selectmen conduct an informal-type meeting to review the site plan in accordance with Selectmen's site plan rules and regulations, with input from those Town officials and boards they deem appropriate, on the basis that the changes are minor and a new application and formal hearing would be costly and cause approximately a three-week delay due to scheduling the required public hearing(s).

Mr. Thompson called the Board's attention to a July 8, 1983, communication from the Fire Chief indicating that the fire suppression

system and control mechanisms at the kiosk for gasoline dispensing were tested and are operating satisfactorily; that he witnessed the removal of a 4,000 gallon steel storage tank and the installation of a 6,000 gallon fiberglass tank for the storage of gasoline; and that the station meets fire safety requirements.

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

VOTED: That an "as built" site plan be submitted by Mobil Oil Corporation, 432-4 Boston Post Road, updating site plan 83-251, as noted above, for informal review by the Board of Selectmen, and, accordingly, to direct the Executive Secretary to request input from the Building Inspector, the Fire Chief, the Town Engineer, the Board of Health, the Sign Review Board, the Planning Board and the Conservation Commission.

ATM Zoning Article - Signs

Present: Chairman G. Burton Mullen, Elizabeth P. Fitts, Thomas R. Patton, III, Robert Verville, Sign Review Board; Lawrence Tighe, Frank M. Vana, and Karl E. Clough, Sudbury Chamber of Commerce; and Lawrence L. Blacker, Chairman, Board of Appeals.

Chairman Murray convened a joint meeting with the Sign Review Board to discuss revisions to Zoning Bylaw Art. IX, V, J, Signs, as proposed under ATM Article 37. The Board of Appeals and the Sudbury Chamber of Commerce were invited to attend also.

Selectman Fox explained that the Town Bylaw, IX, V, J - Signs, conflicts with Massachusetts General Laws in that it empowers the Sign Review Board to issue variances; MA G.L., Chapter 40A states that only a permit-granting authority (the Board of Selectmen, the Board of Appeals or the Building Inspector) can grant variances - under Sudbury Bylaws, that authority is the Board of Appeals.

Selectman Fox went on to say that the purpose of 84ATM Article 37 is to amend the above-noted Town Bylaw so that it will conform with State statute and legally withstand a court challenge. Selectman Fox stated that this article was not intended to take away the powers of the Sign Review Board or change its status in any way, except that, legally, the Sign Review Board would act in an advisory capacity to the Board of Appeals and the Building Inspector. Other changes in the proposed amendment include a reduction in the size of the sign and other minor revisions, Selectman Fox added.

Chairman of the Sign Review Board, G. Burton Mullen, questioned whether the variances (i.e., for placement or size) issued by the Sign Review Board in the past would be illegal if this article passed at Town Meeting.

Selectman Fox stated his opinion that, technically, the answer is yes; however, Selectman Fox added that, since a building permit is issued for sign construction, if six years passes, said sign would be legal.

Responding to Mr. Mullen, who felt there was no longer a function for the Sign Review Board, Selectman Fox stated that the Selectmen want the Sign Review Board to continue in exactly the same manner as in the past, to consider each and every sign and to forward its recommendations for consideration to either the Building Inspector (legal/conforming signs) or to the Board of Appeals in the case of a variance being required (non-conforming signs).

Chairman Lawrence L. Blacker, Board of Appeals, confirmed on behalf of that Board, the necessity of receiving recommendations from the Sign Review Board since the Board of Appeals, he stated, has no experience whatsoever in issuing sign permits except for small customary home occupation signs.

Responding to Mrs. Elizabeth Fitts, who stated that the Sign Review Board has problems getting some response from the Building Inspector relative to many illegal signs, especially along Route 20 (she specifically mentioned the one at the Medical Center on Route 20 at Horse Pond Road), Selectman Fox stated that the Selectmen have been discussing the issue of illegal signs for several months and have been communicating with the Building Inspector in that respect. He referenced a February 10, 1984, communication sent out by the Building Inspector on direction of the Selection to approximately eighteen businesses along Route 20 requesting immediate removal of all signs which do not have a legal permit.

There was some discussion relative to some of the major changes to the sign bylaw with passage of this article - the reduced size and the change so that there is no distinction between temporary and permanent signs (which Mr. Mullen felt would be very difficult to police).

Selectman Fox stated that the Selectmen are looking for a way to more comprehensively enforce the sign bylaw and reiterated the legality aspect of the issuance of sign variances.

Responding to Mr. Mullen, Chairman Murray stated that the community signs at the fire stations on Routes 117 and 20 would have a municipal exemption insofar as size is concerned.

Responding to the Sign Review Board, Selectman Fox stated that any sign legally in existence at the time of Town Meeting would be grandfathered; however, a change in a non-conforming sign, such as a change in the lettering, would constitute the need for a variance and a hearing before the Board of Appeals with input from the Sign Review Board. Selectman Fox stated that wording to relect that the Board of Appeals "shall get a recommendation from the Sign Review Board", would be added to the warrant article.

Responding to Mr. Robert Verville, Chairman Murray stated the Board would try to keep the Sign Review Board more aware of any on-going problems with signs, and Selectman Donald gave the Sign Review Board a copy of the Building Inspector's above-noted communication relative to the immediate removal of illegal signs by those businesses which are not currently in compliance with the town bylaw.

In conclusion, Selectman Fox requested that the Sign Reivew Board comment back through Town Counsel's office any changes it might have on the proposed warrant article.

The Chairman thanked everyone for their attendance and interest.

84ATM Zoning Articles/Planning Board

Present: Chairman Theodore P. Theodores, Olga P. Reed and James G. Hannoosh, Planning Board; Lawrence Tighe, Karl E. Clough and Frank M. Vana, Sudbury Chamber of Commerce.

Chairman Murray convened a joint meeting with the Planning Board relative to Town Meeting articles #16-21, which Mr. Theodore P. Theodores, Chairman of the Planning Board, stated they had not taken positions on. Discussion proceeded as follows: (Selectman Fox asked that the Planning Board forward to the Selectmen their positions when voted and speakers on each of the articles. Chairman Murray asked for minutes on Planning Board article hearings.)

Article 16 Planning Administrator. The Selectmen support; Selectman Fox will speak. On suggestion by Assistant Town Counsel Thomas M. French, from a bookkeeping point of view, all agreed this article will be deleted and presented instead as a line item in the Accounting Budget. The line item would be held by FinCom on Town Meeting floor. Mr. Thompson stated that the FinCom took no position on the Classification article because it was not complete, but supported the position of Town Planner in the Classification Plan at \$25,000 maximum, and approved \$2,700 for a corresponding clerical position.

Article 17 Amend IX,II,C, Delete Industrial Park #1. Mr. Thompson reported that the FinCom voted to disapprove this article. The purpose is to convert the Industrial Park to residential property (except for the property owned by Methods and the Wecker/Technology Concepts parcel); would address the traffic on Union Avenue and Horse Pond Road; keep rural nature of the area; and prohibit significant large-tract development.

Impact: eliminates industrial tax base; however, large part of the Industrial Park is in the aquifer recharge zone and industrial development would have more impact on the ground water than residential development (see Mott's study).

Article 18 Amend IX,IV, Intensity Regulations. Mr. Theodores will speak for Planning Board. This article was submitted at the 83ATM and defeated. Its purpose is to create a less dense "developed" coverage (non-percolating area and building included) -- proposed reduction from 80% to 60%, presumably creates more landscaping and openness.

Representing the Sudbury Chamber of Commerce, Mr. Tighe expressed the opinion that the business community would oppose this article.

The Planning Board did not know the impact of this article and has asked the Town Engineer to work on that aspect; the Selectmen agreed that pre-existing, non-conforming buildings would be exempt until such time as an application was submitted to substantially change the structure, at which point any such consideration would be in accordance with the bylaw change, provided Town Meeting adopts the amendment.

Mr. Theodores stated that, while it is the intent to limit the site development, it is not the intention to put any restrictions on any businesses already established and questioned whether the bylaw could limit itself to new construction only. The Selectmen directed that question to Town Counsel. Assistant Town Counsel Thomas M. French pointed out that certain of the existing buildings which are beyond 60%, including the paved parking area, could still presumably expand by reducing the non-percolating parking area, changing that to a percolating parking area. Mr. Theodores stated that was the intent of the bylaw. There was some discussion relative to problems in obtaining re-financing for alterations to the existing structure if the bylaw is too restrictive with regard to any changes to the property.

Article 19 Amend IX, Aesthetic Standards for Structures. The purpose of this article is to provide with site plan applications an accurate rendering of what the proposed building would look like. Chairman Murray stated that the Selectmen did incorporate that requirement in their site plan procedures/guidelines. Selectman Fox thought there should be a more formal concept as would be accomplished by this bylaw amendment. He referenced a Brookline bylaw which contained language that he felt would be useful to Town Counsel in the wording of this article. Mr. Thompson felt it was very unlikely this task could be accomplished by the 84ATM and suggested, if that were the case, that an amendment article could be presented to the next Special or Annual Town Meeting. The question was referred to Town Counsel because he raises the issue regarding the legal enforceable nature of a guideline versus a bylaw.

Mr. Vana, on behalf of the Sudbury Chamber of Commerce, expressed support of this article.

Article 20 Amend IX,I, Environmental Impact Statement. Planning Board member Lael M. Meixsell will present this article; same wording as last year's article. Planning Board has been imposing EPA guidelines on certain subdivisions and the impact on the environment Town-wide is actually greater in residential zones. Planning Board would like an environmental study to become part of the requirements of every site plan application.

Selectman Fox questioned the wording of the warrant report - whether it was taken from the MA EPA guidelines or from the Planning Board's rules and regulations, and the use of the word "may" ("Environmental Impact Statements showing the effect of any industrial or business development may be required by the Board of Selectmen."), in his opinion, was too discriminating.

Article 21 Create Aquifer Protection Zones. Mr. Meixsell will present the article. The purpose of the article is to identify the area around the locations which were originally identified by the Motts Study and protect them somehow; one alternative being the re-zoning of certain areas in the aquifer zone; no cooperation received from the Water District.

Planning Board felt the Water District should be concerned and take the appropriate action if there is a question of the water supply needing protection and/or to what degree. There was a long discussion regarding the importance of keeping the Town water clean so that the Town can continue being self-sufficient in this regard.

Generally speaking, Selectman Fox stressed the importance of the Planning Board having the correct wording for every article and the proper presentation because it is more difficult to get a two-thirds vote, which is what is required for zoning articles.

Additionally, the Selectmen asked that the Planning Board notify the Selectmen of its position on Articles 35, 36, 37, 46 and 47.

In conclusion, Chairman Murray thanked the Planning Board and the Chamber of Commerce for their attendance this evening.

Scheduled Planning Board Meeting

Present: Chairman Theodore P. Theodores, Olga P. Reed and James G. Hannoosh, Planning Board.

During discussion with the Planning Board, the Selectmen agreed to adjourn their February 27th meeting at 8:00 p.m. in order to turn the lower Town Hall over to the Planning Board for its scheduled public hearing on zoning articles 46 and 47. The Selectmen tentatively plan to attend the Planning Board's meeting; otherwise, they will adjourn to another room/building and continue their meeting.

Accordingly, it was on motion unanimously

VOTED: To cancel the regularly scheduled 8:00 p.m. Town Fathers Forum of February 27.

Executive Secretary Richard E. Thompson introduced Hans Helgeson, a University of Massachusetts student working with the Planning Board on a local public opinion survey.

Selectman Fox informed the Planning Board that a \$15,000 grant had been awarded, through its efforts in conjunction with the Executive Secretary's, to the Town of Sudbury for the updating of the Town's Master Plan.

Selectman Fox told Mr. Theodores he would call him to discuss concerns relative to recent Mill Village communications between the Planning Board and the Selectmen.

Amend Site Plan 80-227, Frank M. Vana, 435 Boston Post Road

Present: Frank M. Vana.

Chairman Murray convened a meeting with Mr. Frank M. Vana relative to revisions to his Site Plan 80-227 for property located at 435 Boston Post Road, as requested in communications as follows:

- dated February 2, 1984, from Frank M. Vana, to change the height from 12' to 25' of parking lot lighting poles; and

- dated February 10, 1984, from Schofield Brothers, Inc., requesting the elimination of a portion of the rear of the existing building at 421 Boston Post Road, relocation of the proposed edge of pavement, and the installation of two drive-up auto tellers with an overhead canopy.

Executive Secretary Richard E. Thompson stated that the Town Engineer and the Building Inspector had verbally approved the requested revisions, as noted on by their signatures on the site plan.

Mr. Vana showed the Board a plan entitled, "Proposed Drive-Up Auto Teller For Sudbury Crossing In Sudbury, MA.", dated February 9, 1984, which was briefly discussed. Selectman Donald suggested that a one-way, do-not-enter sign be located in the exit area of the drive-up window and so noted on the plan. The Selectmen concurred.

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

VOTED: To approve revisions to Site Plan 80-227, Frank M. Vana, 435 Boston Post Road, as shown on the above-noted plan prepared by Schofield Brothers, Inc., Sheet E-1798, to accompany site plan entitled, "Site Plan of Land in Sudbury, Mass., Proposed Site Conditions", dated November 24, 1980, revised seven times, last revision date February 10, 1984, which shows revisions noted in the aforementioned communications, subject to submission of an architectural rendering of the proposed canopy to the Selectmen for their approval, and to a one-way, do-not-enter sign being noted said site plan.

Mr. Vana volunteered to submit the architectural design to the Selectmen.

The Selectmen signed the site plan.

Request Entertainment Licenses - Tom Shea's, 394 Boston Post Road

It was on motion by Selectman Fox unanimously

Executive Secretary Richard E. Thompson noted for the record that verbal approval was given by the Fire Chief, the Police Administrative Assistant and the Health Director for both applications on February 8, 1984.

VOTED: To approve applications, both dated January 26, of Thomas E. Shea, Manager, Sudbury Landing, Inc., d/b/a Tom Shea's, 394 Boston Post Road, for the following:

- a Weekday Entertainment License from 9:00 p.m. to 11:45 p.m.; and
- a Sunday Entertainment License from 9:00 p.m. to 11:45 p.m., both for a live musician (piano only) in the lounge.

Compensation, Wiring and Deputy Building Inspectors

The question of increasing compensation paid to both the Wiring and the Deputy Building Inspectors was tabled at the request of the Executive Secretary.

Plumbing/Gas Permit Fees

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

VOTED: To approve an increase in the plumbing and gas permit fees, as proposed by the Building Inspector in a communication dated February 3, 1984, as follows:

- plumbing permit fees: up to five fixtures \$25
each additional fixture 2
installation, hot water heater 15
- gas permit fees: first two fixtures 15
each additional fixture 4
- if gas hot water heater is installed by plumber doing both plumbing and gas, no additional gas permit fee will be charged.

Reserve Fund Transfer

Following discussion, it was on motion by Selectman Donald unanimously

VOTED: To approve Request for Transfer No. 25, dated February 7, 1984, from the Reserve Fund, to Acct. 320-81, Police Tuition Reimbursement, in the amount of \$5,000 for tuition as explained on the numbered transfer.

Appointments

Council on Aging

It was on motion by Selectman Fox unanimously

VOTED: To appoint Sibyl I. Drake, 47 Rolling Lane, to the Council on Aging to replace Thomas F. McDonough, for a term to expire April 30, 1985, in accordance with a recommendation from the Chairman of the Council on Aging, dated February 7, 1984.

Sudbury Historical Commission

It was on motion by Selectman Fox unanimously

VOTED: To appoint Marvis M. Fickett, 90 Indian Ridge Road, to the Sudbury Historical Commission, to replace Emmalou Eaton, for a term to expire April 30, 1986, in accordance with a recommendation from the Chairman of the Sudbury Historical Commission, dated February 2, 1984.

Accept Resignations

It was on motion unanimously

VOTED: To accept the resignations dated February 8, 1984, from:

a) Carol A. Stearns, from her positions as Constable and as Special Police Officer; and

b) John A. Stearns, from his position as Special Police Officer.

Drainage Easement - Woodmere Drive/Barton Farms

It was on motion unanimously

VOTED: To accept and sign a Drainage Easement granted by the Trustees of Sudbury 01776 Trust, for property located off Woodmere Drive, as shown on a plan entitled "Barton Farms", dated September 16, 1983, by Schofield Bros., Inc.

Confirm Coordinator Handicapped Discrimination Regulations

It was on motion by Selectman Fox unanimously

VOTED: To confirm the designation made by the Board on February 6, 1984, of Richard E. Thompson as the coordinator responsible for complying with Federal Revenue Sharing Handicapped Discrimination Regulations.

Print 84ATM Warrant

Following review of a February 13, 1984, communication from Janet Silva, Administrative Secretary, it was on motion unanimously

VOTED: To accept the low quotation for the printing of the 1984 Annual Town Meeting Warrant from low bidder, The News Printing & Publishing Company of Worcester, Inc., 24 Jolma Road, Worcester, Massachusetts, in accordance with their letter dated February 8, 1984, at the price of \$21.50 per page and in accordance with Town of Sudbury specifications dated 1984.

Town Meeting Preparation

For the following articles, the Selectmen will state that they will report at Town Meeting in the Warrant: 3, 4, 6, 11, 14, 17-21, 38, 39, 43, 44, 45 (change in report), 46 and 47.

Minutes

It was on motion by Selectman Donald, unanimously

VOTED: To approve the minutes of the Regular and Executive Sessions of February 6, 1984, both as amended.

Illegal Signs

Executive Secretary Richard E. Thompson noted a February 10, 1984, communication from the Building Inspector to eighteen businesses along Route 20 directing immediate removal of any signs which are not installed under an authorized permit.

Chapter 90 Road Construction Monies

On the recommendation of the Executive Secretary, it was motion unanimously

VOTED: To sign a State reimbursement request form from the Highway Surveyor for Union Avenue and Dutton Road, Chapter 90 monies.

Salary & Classification Plan

The Executive Secretary referenced changes in the salary & classification plan, dated January 17, 1984, (84ATM Article 3), explaining that it was the FinCom's position that it needed more work in that certain positions had been deleted, and the Assistant Town Counsel and Town Counsel positions had been added. The Board referred to Town Counsel's office for comment on the latter since inclusion of those positions would designate them as regular employees instead of special employees, a possible concern relative to liability and conflict of interest.

Police Chief Nicholas Lombardi Retirement

Mr. Thompson noted for the record receipt of a February 9, 1984, communication from the Middlesex County Retirement System denying Police Chief Nicholas Lombardi's application for Accidental Disability Retirement.

There being no further business to come before the Board, the meeting was adjourned at 11:30 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk