

IN BOARD OF SELECTMEN
WEDNESDAY, JANUARY 4, 1984

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.

Appointment - Conservation Commission

Present: Stephen Sandler, applicant.

Following an interview and conversation with applicant Stephen Sandler, it was on motion by Selectman Fox unanimously

VOTED: To appoint Stephen Sandler to the Conservation Commission, to replace Hugh Caspe, for a term to expire April 30, 1985, as recommended by letter dated December 23, 1983, from the Chairman of the Conservation Commission.

Petition Article

It was on motion by Selectman Donald unanimously

VOTED: To note receipt of a petition article with seventeen signatures to be placed in the Warrant for the 84ATM, received December 23, 1983, to amend Article IX of the Sudbury bylaws (Zoning Bylaw), section II, C by deleting Limited Industrial District #2 in its entirety with the result that said area will come within the Residential Zone A-1, and to refer the same to the Planning Board for its hearing and report.

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

The Board acknowledged receipt of a communication dated December 19, 1983, from Theodore P. Theodores, Chairman of the Planning Board, listing reasons for the Planning Board's opinion that the Selectmen's approval on November 21, 1983, of Site Plan 83-271 of Mill Village Realty Trust, 361 Boston Post Road, is not valid and that Mill Village is not operating under an approved site plan.

Selectman Fox stated it was his recollection that at the November 21, 1983, Selectmen's meeting there was discussion between Charles Hall, himself and Mr. Theodores at which time Mr. Theodores indicated that all of the concerns originally raised by the Planning Board in its letter of November 1, 1983, relative to the above-noted site plan were resolved.

It was on motion by Selectman Murray unanimously

VOTED: To refer the communication from Theodore P. Theodores, Chairman of the Planning Board, dated December 19, 1983, to Town Counsel, to consult with the Building Inspector and report back to the Board.

Amend Policies and Procedures

Following discussion, it was on motion by Selectman Fox unanimously

VOTED: To amend the Site Plan Approval Rules and Regulations of the Selectmen's Policies and Procedures on recommendation by the Planning Board dated December 13, 1983, subject to the concurrence of Town Counsel, to add that following subsection (8) to section 2.c:

"(8) accurate architectural renderings (two copies) of the appearance of proposed new or altered structures, showing front and side features. These renderings should be adequate for use by Town Boards and Commissions in determining the suitability of any new or altered structures, in terms of exterior design, relative to existing structures on adjacent lots and to the general character of the adjoining districts."

Responding to Selectman Fox, Executive Secretary Richard E. Thompson stated that the Board had also addressed the issue of putting some control into the site plan process relative to architectural design by including similar language in its draft vote for all site plan approvals. Also, Mr. Thompson stated that the Planning Board has submitted an article for the 1984ATM similar/identical to the item voted above.

Action Required/84ATM and Presidential Primary

In accordance with a communication, dated December 16, 1983, from the Town Clerk, it was on motion by Selectman Fox unanimously

VOTED: To take the following action required for the 1984 Annual Town Meeting and the Presidential Primary:

1. To set the 1984 Annual Town Election for the four precincts in Sudbury for Monday, March 26, 1984, from 7:00 a.m. to 8:00 p.m. at the Peter Noyes School;
2. To establish that the Annual Regional School District Election shall be combined with and held as part of the Annual Town Election of Sudbury, that the ballot for the Annual Regional School District Election shall be included with and prepared as part of the ballot for the Annual Town Election;
3. To establish that the listing of the offices shall be the same as set forth in the Warrant for the Lincoln-Sudbury Regional School Committee Election and shall be printed as the last office on the ballot;
4. To set the opening session of the 1984 Annual Town Meeting on Monday, April 2, 1984, at 8:00 p.m. in the auditorium of the Lincoln-Sudbury Regional High School;
5. To approve allowing the Board of Registrars to hold special registration sessions prior to the Presidential Primary at the Town Hall, in accordance with Chapter 51, sections 26, 27 and 28 of the General Laws; and

To approve allowing the Board of Registrars to hold special registration sessions prior to the Annual Town Election and Town Meeting at the Town Hall, in accordance with Chapter 51, section 30 of the General Laws.

1984 Gasoline Bid

Present: Fire Chief Michael Dunne.

On the recommendation of the Fire Chief, dated December 29, 1983, it was on motion by Selectman Donald unanimously

VOTED: To award the contract for supplying the Town of Sudbury with gasoline for the calendar year 1984 to the low bidder, Bursaw Gas & Oil Inc., 94 Great Road, Acton, Massachusetts, in accordance with Town of Sudbury specifications and Bursaw's bid dated December 25, 1983, as follows:

Tank Car base price per gallon - regular gasoline	.7650
unleaded gasoline	.7950
Increment .0200 and Massachusetts Tax	.1100 for both
Total base price per gallon - regular gasoline	.8950
unleaded gasoline	.9250

Resolution - Barbara Parrott, SPHNA

It was on motion by Selectman Fox unanimously

VOTED: To sign a resolution in recognition of the services to the Town performed by Barbara Parrott, on the occasion of her retirement from employment with the Sudbury Public Health Nursing Association.

Executive Secretary Richard E. Thompson asked that the Board consider asking Mrs. Parrott to be the honorary guest speaker and read Article 1 at the 84ATM.

Selectman Donald stated she would be delighted to present Mrs. Parrott with the Selectmen's proclamation, and asked Mr. Thompson to let her know if he heard of any recognition affair being scheduled

Resignation - Memorial Day Committee

It was on motion by Chairman Murray unanimously

VOTED: To accept the resignation of Martha Coe from the Memorial Day Committee, dated December 27, 1983, effective immediately.

Policing Out-of-State Vehicles

The Board acknowledged receipt of a communication, dated December 28, 1983, from the Massachusetts Registry of Motor Vehicles requesting assistance in policing vehicles registered out-of-state improperly.

Executive Secretary Richard E. Thompson stated that Police Administrative Assistant Peter Lembo is involved and accordingly is working out a program for Sudbury's involvement.

Selectman Fox told the Executive Secretary that he would like to see the program which Sergeant Lembo suggests before it is implemented.

Meeting Change

It was on motion by Selectman Fox unanimously

VOTED: To cancel the Board's regular meeting of January 16, 1984, due to it falling on a holiday.

Selectman Fox informed the Board that he plans to be out of Town during the school vacation week - February 20-25.

Minutes

It was on motion by Chairman Murray unanimously

VOTED: To approve the minutes of the Regular Session of December 19, 1984, as amended, and to approve the minutes of the Executive Session of December 19, 1983, and the special meeting of December 23, 1983, both as drafted.

Utility Petition 84-1 - Dutton Road

Present: Carole Clinton, Boston Edison.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered Utility Petition 84-1 of Boston Edison Company and New England Telephone and Telegraph Company:

Dutton Road - northwesterly side at Moore Road
One (1) pole. One (1) guy wire and anchor.
(One (1) existing JO pole to be removed)

Dutton Road - westerly side from a point approximately 110 feet south of Moore Road
Four (4) poles
(Three (3) existing JO poles to be removed)

Dutton Road - northeasterly side from a point approximately 715 feet southeast of Moore Road
Two (2) poles
(Three (3) existing JO pole to be removed)

Also, for permission to lay and maintain underground laterals, cables and wires, on the same side of the public way as poles, for the purpose of making connections with such poles and single-residence buildings as each of said petitioners may desire for distributing purposes.

Executive Secretary Richard E. Thompson noted that all appropriate abutters had been notified, and that the Building Inspector and the Wiring Inspector recommend approval by communication dated December 29, 1983 which also indicated that the Town Engineer recommends all poles to be located at least four feet in from the street pavement.

It was also noted for the record, that the Selectmen unanimously voted on June 6, 1983, to authorize Boston Edison Company and New England Telephone and Telegraph Company to proceed immediately with the removal and installation of poles (7), wires, and such other fixtures as may be necessary to sustain or protect the wires of the line, along Dutton Road, in advance of receipt of petitions and public hearing, as an emergency measure to enable road reconstruction to go forward.

Mrs. Clinton stated that Mr. Bausk informed her that the Telephone Company would be moving the telephone wires next week so that the poles can then be removed.

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

VOTED: To approve Utility Petition 84-1 of Boston Edison Company and New England Telephone and Telegraph Company, as described above, and as shown on a plan entitled, "Private Property and Plan of Dutton Rd. - Sudbury, Showing proposed pole locations guy wires removals and anchors", dated August 18, 1983

Articles/January 3, 1984 Deadline

It was on motion unanimously

VOTED: To accept the following articles submitted under the January 3, 1984, deadline for the 1984 Annual Town Meeting:

Hear Reports	Selectmen
Temporary Borrowing	Selectmen
Special Act - Civil Service, Police Chief	Selectmen
Special Act - Civil Service, Police Force	Selectmen
Resurface Rt. 20 RR Crossing at Novscot Rd.	Selectmen
Hosmer House Grant Appropriation	Hist. Com.
Regional Resource Recovery	Selectmen
Stabilization Fund	Selectmen
Retirement Pension Fund	Selectmen
Accept Ch. 597 of the Acts of 1982 - POW Auto Excise Tax Exemption	Selectmen
Hydrogeological Study - Landfill Site	Selectmen
Sudbury 350th Anniversary Celebration Fund	Selectmen
Amend Bylaws, Art. XV - Building Permit Fees	Selectmen
Change Term of Planning Board Members	Selectmen
Change Term and Number of Appeals Board Members	Selectmen
Unpaid Bills	Accountant
Town Audit	Accountant
Accounting Computer System	Accountant
Abolish Industrial Development Commission	CTA
Design Funds for Sherman's Bridge	Highway Surv.
Haskell Recreation Area Development	P & R
Fire Engine Purchase	Fire Chief
Ambulance Lease Purchase	Fire Chief
Special Act - Septage Facility Billings	Op. Rev. Com.
Purchase Development Rights - Agricultural Land (Stone Tavern Farm)	Cons. Comm.

Rezone LID#2 to Residential, Art. IX,II,C	Petition
Amend Bylaws, Art. IX,VI,C,5 - Special Permit Guidelines	Selectmen
Budget	FinCom

It was noted for the record that the Selectmen have not taken a position on any of the above-listed articles.

Coatings Engineering Corp. - License to Store Inflammables

Present: Vice-President and General Manager Thomas G. Craig and Technical Manager Albert J. Zaccone, Coatings Engineering Corporation; Fire Chief Michael Dunne; Chairman Richard O. Bell and Jeffrey W. Moore, Conservation Commission; Mr. & Mrs. Clifford Hughes, 27 Concord Road.

Chairman Murray Convened a public hearing on the application of Coatings Engineering Corporation for a license to store 2000 gallons inflammables above-ground (Methyl Ethyl Ketone, Methyl Isobutyl Ketone, Toluene, Isobutanol), at 33 Union Avenue.

Executive Secretary Richard E. Thompson stated that all appropriate abutters had been notified and that the following communications had been received:

- from the Building Inspector, dated December 29, 1982, expressing no objection to the issue of the requested license and stating that from the explanation of the process given to him at the plant, he concludes that with the increased storage in place, the process will be safer in that the coating mix will be pumped through pipes to the dip tank instead of transported in small amounts by hand trucks;

- from the Fire Chief, dated January 3, 1984, commenting on the fire safety system and how fire precautions are handled at Coatings in conjunction with the Fire Department, noting that the materials used are highly flammable and, in case of fire, quite toxic, and that if a fire of significant magnitude developed it is quite probable that to avoid toxic gases a significant portion of South Sudbury would have to be evacuated. The Chief stated no objection to the application request for additional storage subject to monthly fire alarm system checks and sprinkler system checks being continued, that Coatings submit verification twice a year from a licensed fire extinguisher company that the dry chemical and CO² fire suppression systems are operable and up-to-code, and that Coatings supply the fire department with a complete list of the chemicals, liquids and solids used in the plant and the Material Safety Data Sheet for each.

- from the Vice-President and General Manager Thomas G. Craig dated January 3, 1984, giving an update of Coatings Engineering's present status of water and air treatment, indicating that the progress summarized shows strong indication that Coatings is working in good faith to close the book on environmental problems, and stressing the need to use flammable liquids in the listed quantities to operate efficiently and to proceed with the improvement of the Primer Area; and

- from the Board of Health, dated January 3, 1984, requesting the Selectmen delay any decision until the end of January to give the Board of

Health the opportunity to thoroughly discuss the proposal, and, if needed, to meet with Mr. Craig.

Mr. Thompson stated he had spoken to Mr. Craig and the Selectmen individually, and it was a consensus to proceed with the hearing tonight and then continue the hearing until receipt of a recommendation from the Board of Health; Mr. Craig expressed his concurrence.

Mr. Craig stated that the requested storage is for aboveground storage - inflammables previously licensed are stored underground. He went on to say that Coatings has used this process from 1974 through 1982, when the process requiring a license for the requested inflammables was turned down. Mr. Craig explained that Coatings has installed two dry chemical fire control systems in the area, and, in addition, they have a sprinkler system in the plant. There is also special equipment in that area to reduce the risk of fire. Mr. Craig stated that representatives at Coatings feel it is less of a fire risk with the increased storage (2,000 gallons requested), than continuing the process in the present operation using smaller amounts. He elaborated, upon questioning by Selectman Fox, by stating that smaller amounts require more dips, causing splashing and adds to the fumes in the air.

The Fire Chief stated he has seen the procedure and agrees that, with the increased storage, the process would be safer, and noted that it is the vapor which catches fire not the actual liquid. The Chief added that, in case of fire, however, with the additional storage, the fire may be more intense.

Mr. Craig reiterated that the operation would be more efficient with the larger capacity; he added that they have plans at Coatings (since April, 1982) to enclose this area within the building so that it will be a better working area, and are only waiting for the permit to be issued to go forward with those plans. This would keep the fumes restricted to one area, he added. Responding to Selectman Fox, who suggested that the area could be inclosed without the increased storage, Mr. Craig stated the difficulty in doing that because of the height difference of the containers for the smaller versus the larger quantity, and because they prefer to do the work only once when the final system is in place with the larger tank.

Responding to Selectman Donald, Mr. Craig explained that the current operation involves a smaller tank which hold 700 gallons inside a larger tank which catches the overflow of fumes which are exhausted rather than in the room.

Chairman Richard O. Bell of the Conservation Commission asked about the pollution aspect to the ground and air and what will prevent solvents from entering the ground water.

Mr. Craig extended an invitation to those who would like to see the operation at any time. He stated there are no drains in the plant except for septic drains which are located a long distance from the area involved. They have a water tank which is about six feet away and it works in the reverse process - water in the primer, not primer in the water, and that water is discharged into their water treatment plant.

Mr. Bell asked what would happen if the tank(s) ruptured. Mr Craig stated the spill would do no more than affect the finish on the floor.

Mr. Craig talked a little more about the characteristics of the various chemicals being requested and Coating's plans to install additional pollution control devices.

Mr. Craig responded to Selectman Donald that Coatings has three different companies, which are all licensed by the State, removing the waste materials. He said there is not a continuous flow, only about two drums per week, and that about fifty drums equal one load. Mr. Craig stated that the waste material they remove from the plant has the consistency of sand and is not hazardous; however, the State has no provision for handling industrial waste whether it is hazardous or not so it is treated as hazardous waste. Selectman Donald asked Mr. Craig to give the names of the haulers to the Board of Health for its approval.

Selectman Fox stated he was aware that Mr. Craig will be meeting with the Board of Health but questioned whether he would have to appear before any State agencies. Mr. Craig responded that he would not.

Selectman Fox asked what kind of work was done at Coatings.

Mr. Craig stated that they apply plastic coating to wire fences, i.e., lobster port, green (vegetable garden) fences, various uses in electrical and sewage treatment plants. Mr. Craig stated that the main product used at Coatings is PVC, which does not stick to metal; therefore, something is needed to bond it to the metal and a material similar to varnish is used for that purpose. That is the material which will result from the inflammables being requested on the above-noted application, Mr. Craig stated.

The Fire Chief stated that Coatings has had some minor fires, but that the equipment at Coatings had sufficiently handled the fires. If there were a major fire, he stated, it is nery possible, as stated on his letter, that a portion of the Town might have to evacuate because of the chemicals being toxic.

Mr. Craig felt that the possibility of a major fire was minimal because of the variety of equipment they have to handle fires.

Selectman Donald asked that the Fire Chief amend his report of January 3, 1984, relative to the Chief's requirement that Coatings supply the fire department and the Board of Health with a complete list of chemicals, etc., used at Coatings and the Material Safety Data Sheet for each, to require that list to be continually updated.

The Fire Chief responded that under the "right to know" law, they have to tell him exactly what they are using.

Responding to Selectman Fox, Mr. Craig stated there had been no changes to the March 9, 1982, plan which was submitted with the application.

Mr. Clifford Hughes stated that he has been smelling and complaining about obnoxious fumes for two years, and that 4-5 days per month, the fumes are very bad. He stated his property elevation is the same height as Coatings' chimney.

Mr. Craig stated he would not offer any intelligent statement on that subject, since Coatings discharges the same materials in the same amounts at all times, and stated that perhaps he could help out if he could smell it himself.

Chairman Murray stated he personally witnessed the odor after receiving a telephone call from Mr. Hughes and going down to the area of Coatings and Mr. Hughes' property.

After comment by Mr. Hughes regarding odors for short periods of time, Mr. Craig stated that Coatings does not discharge anything that would be gone after a short period of time; that they start up production at 7:00 a.m. and finish at 3:30 or 5:30 p.m., and the same materials are discharged.

Mr. Hughes commented further that he had contacted both the local Boards of Health and the D.E.Q.E. regarding his complaints and the one time he called Mr. Craig, he responded only after the plant was closed for the day.

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

VOTED: To continue the public hearing on the application of Coatings Engineering Corporation for a license to store 2,000 gallons inflammables aboveground at 33 Union Avenue, until a report is received from the Board of Health, for the purposes of making a decision only.

After the meeting, Mr. Zacccone and Mr. Craig spoke to the Executive Secretary regarding the site plan and the following was noted:

- the 10,000 gallon tank underground on the easterly portion of the site is filled with sand - (it is labeled diesel fuel), and

- Mr. Craig will let Mr. Thompson know in writing what the contents are of four, 10,000 gallon tanks on the westerly side of the building.

Cable Television

Present: William C. Henchy, Vice President, Adams-Russell Telecommunication Group.

The Board of Selectmen met with Mr. William C. Henchy, Vice President of Adams-Russell Telecommunications Group, to review his communication of December 20, 1983, relative to a proposal to restructure the local cable television rates.

In regard to this matter, the Board of Selectmen acknowledged receipt of Town Counsel's communication of January 4, 1984, a copy of which was given to Mr. Henchy.

After consideration and discussion, it was a consensus that the proposed rate re-structure would not be considered as part of the provisional license but would be evaluated prior to the granting of the final license for possible incorporation therein.

Selectman Fox noted Town Counsel's communication of January 4, 1984, concurred with his thought that there could be non-material changes in the Adams-Russell cable proposal, and those could be incorporated in the provisional license.

Mr. Henchy indicated his concurrence with Town Counsel's interpretation regarding non-material changes.

It was on motion by Selectman Fox unanimously

VOTED: To postpone any further discussion on the rate change until after the issuance of the provisional license or until consideration of the final license.

After discussion and on the recommendation of Selectman Fox, the Selectmen in reviewing the provisional license and the rate structure. On the subject of who should be appointed to the group, the Board agreed to limit it to three of those who served on the previous cable advisory committee.

After further discussion, it was on motion by Selectman Fox unanimously

VOTED: To appoint Joseph D. Bausk, Anthony I. Kreisel and Margaret Anne Ward as a cable television advisory group.

On the recommendation of Selectman Donald, the Board agreed that if any of the above could not or did not want to serve, Kenneth Brown would be an alternate.

Selectman Fox asked to see all the comments by Town Counsel and the Executive Secretary on the provisional license as soon as possible. Selectman Fox also asked Mr. Thompson to coordinate the meeting and comments of the cable advisory group and their report to the Selectmen.

S-681/Local Zoning

In accordance with a communication, dated December 23, 1983, from the Massachusetts Municipal Association (MMA), and on the recommendation of the Executive Secretary, it was on motion by Selectman Donald unanimously

VOTED: To oppose S-681 in its present form, a bill which removes local control over a significant aspect of local zoning by placing a three-year freeze on any changes on any lots on a finished street for which a perimeter plan has been filed with the community. (Zoning use is already frozen for three years by present law.)

Although Mr. Thompson felt the bill had died in the last session of the legislature, Selectman Fox directed the Executive Secretary to forward a copy of the above MMA communication to the Planning Board for its information.

Flynn Building Heating System

The Board noted receipt of a December 28 communication from the Fire Chief relative to the heating system in the Flynn Building and in answer to Selectman Fox, Mr. Thompson stated that he plans to ask the Building Inspector for plans to implement all of the Fire Chief's suggestions.

Vacancy - Board of Appeals

Selectman Fox informed the Board that he learned the Zoning Board of Appeals Alternates will be needing two new members soon, and directed the Executive Secretary to look into the matter and report back to the Board.

Underground Fuel Tanks

Selectman Fox expressed concern that the Town should be regularly monitoring on an annual basis when licenses are up for renewal underground fuel tanks by the Board of Health and/or the Fire Chief as a sort of preventative action.

Mr. Thompson stated he would inquire about the monitoring of the tanks and get back to the Board.

Signs

With regard to site plan procedures, Selectman Donald questioned whether it would be beneficial to hold a joint hearing with all appropriate boards/commissions/departments, as had been suggested/discussed a couple of years ago.

During discussion, there was a consensus that a joint hearing would be too lengthy, and complicated since the concerns are so varied.

Following further discussion, the Board directed the Executive Secretary to contact the Planning Board and the Conservation Commission regarding their meeting nights, requesting that they meet on nights other than when the Selectmen meet so that they may be available if necessary to attend the Selectmen's meetings; also, that Mr. Thompson contact all boards/commissions requesting that appropriate reports be received by the Selectmen at least one week in advance of the Selectmen's hearing dates.

Wayside Package Store, Inc.

Executive Secretary Richard E. Thompson reported that Town Counsel was present at the Superior Court Hearing on January 3, 1984, relative to Sudbury Wine and Spirits, Inc. vs. John E. Murray et al, and that it was taken under advisement. Mr. Thompson further stated that Town Counsel will respond to a letter dated December 29, 1983, from the State Alcoholic Beverages Control Commission, to the Selectmen advising that it had received a request for a hearing on an appeal from the action of the Selectmen regarding the "revocation" of the all alcoholic package store license of Wayside Package Store, and requesting notification from the Selectmen in accordance with G. L. c. 138, s.23, paragraph 4.

Use of Loring School

The Board noted receipt of a December 22, 1983, communication from Town Counsel's office to Mr. Joseph E. Brown, Raytheon Company, relative to leasing space from the Sudbury Community Arts Center for use by various other organizations.

On recommendation by the Executive Secretary, the Board agreed that it has no objections to Raytheon proceeding in accordance with Town Counsel's communication and that it is the Board's intention to approve the Loring sub-lease for Raytheon.

Update Master Plan

The Board noted receipt of an application to the Executive Office of Communities and Development for funds to assist the Town in updating its master plan, prepared by the Executive Secretary, and to be filed in conjunction with the Planning Board by a January 6, 1984, deadline.

The Board previously took positive action on this application at its December 9, 1983 meeting.

There being no further business to come before the Board, the meeting was adjourned at 10:00 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk