

IN BOARD OF SELECTMEN
MONDAY, APRIL 22, 1985

Present: Chairman Myron J. Fox, Josiah F. Frost, and Anne W. Donald.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:00 p.m. by Chairman Fox.

Site Plans 83-267, 83-267A, 85-290 - Stanmar/68 Old County Road

Present: Richard Feldman and James H. Snider, Stanmar, Inc.; Building Inspector Joseph E. Scammon; and Fire Chief Michael Dunne.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered the following Site Plans of Stanmar, Inc., for property located at 68 Old County Road, owned by Stanley W. Snider, Industrial District #11:

a. Site Plan 83-267 - for extension of approval granted September 12, 1983 for expansion of the existing front building and the addition of a two-story, 18,000 square foot research and development/office building - expiration date September 12, 1984;

b. Site Plan 83-267A - for a one-story connector (enclosed building) approximately 6' X 40' between two buildings (constructed without approval); and

c. Site Plan 85-290 - for the construction of a two-story steel, concrete and wood, approximately 18,000 square foot office building with related parking and landscaping.

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

Site Plan 83-267A

- from the Planning Board, the Conservation Commission, the Building Inspector, and the Board of Health dated April 17, 8, 19, and 10, respectively, all indicating no objection to the connector which was built between two buildings as shown on site plan entitled, "Site Plan of Land in Sudbury, Mass", by Schofield Brothers, Inc.; plan originally dated April 8, 1983 and revised June 9, 1983, July 22, 1983, August 26, 1983, and connector shown on plan under revision date of December 18, 1984.

Site Plan 85-290

- from the Planning Board, dated April 17, 1985, recommending approval conditioned on the following:

- compliance with the provisions of the Zoning Bylaw Article IX, V, B1, Off-street Parking (85ATM zoning change which requires

one parking space for every 180 square feet of first and second floor space);

- compliance with the provisions of the Zoning Bylaw Article IX,V,B, Off-street Parking (85ATM zoning change which mandates parking in the rear), by securing a variance from the Board of Appeals;
- a landscape buffer along the property's northern edge abutting residential districts; and
- installation of catch basins with grease and oil traps, to be cleaned every six months or as necessitated.

- from the Conservation Commission, dated April 8, 1985, requiring a Wetlands Protection Act hearing, the installation of catch basins with grease and oil traps to collect the runoff and to filter the pollutants before entering the wetland areas; noting that any construction, fill, or rip-rap below the 125' elevation will require approval from the Board of Appeals and that it appears construction associated with the northwesterly corner of the proposed parking lot may encroach on this floodplain area.

- from the Building Inspector, dated April 19, 1985, recommending approval of the site plan and noting the following:

- the plan shows that parking meets the requirements of Zoning Bylaw Article IX,V,B1 and IX,V,B; and
- three parking spaces at the extreme right rear of the lot are shown at or below the 125' elevation which requires Board of Appeals approval; however, there is adequate parking without these three spaces.

- from the Fire Chief supporting the plan with the following conditions:

- the installation of a fire hydrant within 100 feet of the sprinkler connection;
- parking area should be designed so that fire apparatus can proceed forward at all times - as proposed the parking areas are dead-ended and would necessitate the backing up of large vehicles.

- from the Board of Health, dated April 19, 1985, conditioning approval on the following:

- building to be used for office space only;
- no hazardous waste to be generated or stored on the premises;
- submission of an acceptable subsurface disposal system design to the Health office; and
- Town water must be provided.

Mr. Thompson added that he had spoken to the Town Engineer, who stated that, due to other pressing matters, he had not yet submitted a written report; that he had no major concerns but did have some minor concerns.

On the general recommendation of Chairman Fox, it was a consensus of the Selectmen not to take any action at scheduled public hearings on site plans

which are re-submitted the same day of said scheduled hearing with significant changes. Late submission does not allow the Selectmen and/or the appropriate Town officials, boards and commissions the necessary time to review and/or provide input on these site plans.

Discussion and Votes:

Site Plan 83-267

Building Inspector Joseph E. Scammon stated that there are some loose ends which need to be finished up with regard to this site plan, i.e., landscaping and finished black top; therefore, he recommended that the Selectmen grant an extension. Applicant Richard Feldman stated that the work would be completed within the month.

It was on motion by Selectman Frost unanimously

VOTED: To grant an extension of Site Plan 83-267 of Stanmar, Inc., for property located at 68 Old County Road, to July 1, 1985, (approximately two months) for the completion of a building expansion and a two-story, 18,000 square foot building, as shown on a plan entitled, "Site Plan of Land in Sudbury, Mass.", dated April 8, 1983, revised June 9, 1983, July 22, 1983, and August 26, 1983, 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 conditions set forth in the Board's site plan approval vote of September 12, 1983, which are:

- those set forth in communications from the Board of Health and the Fire Chief, both dated September 6, 1983, and from the Conservation Commission, dated August 31, 1983; and
- to the condition that any industrial use by any tenant involving the use, storage or disposal of chemicals requires prior approval from the Board of Health.

Site Plan 83-267A

Selectman Donald referenced a statement in the Planning Board's letter of approval, dated April 17, 1985, "that the proposed connector has already been constructed and suggests appropriate steps be taken to prevent the reoccurrence of similar situations wherein major site plan modifications are made prior to the owner securing Town approvals", adding her concurrence.

Although the Building Inspector was not excusing the applicant for proceeding without a building permit, he confirmed what Mr. Feldman stated - that he had submitted a site plan application in January 1985; the Building Inspector stated he did have a scheduling problem at that time because of the workload of the Department. Responding to the Selectmen, Mr. Scammon stated that structurally the connector was acceptable to him.

Chairman Fox stated that it will be his position in the future that, if a developer proceeds with his site plan without proper permission from the Building Inspector, he will vote against the site plan.

Chairman Fox referenced a communication from James H. Snider dated April 12, 1985, regarding a new Stanmar sign which was installed to replace a 20-year old, legal, non-conforming sign, which had been blown down in a storm.

On the question of whether or not the new sign is legal (grandfathered) or not, Chairman Fox stated that Town Counsel Paul L. Kenny had verbally reported that he disagreed with Mr. Snider with regard to the law, that the new sign is illegal for two reasons: 1) because the lettering on the sign was changed the sign loses its "grandfathered" status so it now comes under the new Sign Bylaw and must conform to size, etc.; and 2) the old sign had been "abandoned" as the replacement sign was installed which also terminates the exemption for a non-conforming sign and places the new sign under the new Sign Bylaw. The existing (new) sign, therefore, will require a variance from the Board of Appeals.

Mr. Scammon stated that the Bylaw pertaining to non-conforming signs states the same cannot be "enlarged, reworded, redesigned or altered in any way unless it is brought into conformity with the bylaw".

Selectman Fox suggested that Mr. Snider contact Town Counsel for further clarification on these two issues, if necessary.

It was on motion by Selectman Frost unanimously

VOTED: To approve and sign Site Plan 83-267A of Stanmar, Inc., owned by Stanley W. Snider, for property located at 68 Old County Road, as shown on a plan entitled, "Site Plan of Land in Sudbury, Mass", dated April 8, 1983, revised June 9, July 22, and August 26, 1983, and December 18, 1984, by Schofield Brothers, Inc.

Site Plan 85-290

Selectman Donald expressed her opinion that there is a lot built on the site already, to which Mr. Feldman stated this is the last building proposed for this office park property.

The Fire Chief stated that he has seen the revised site plan (April 12, 1985) and is waiting for the Town Engineer to confirm that the parking area has been redesigned so that fire apparatus can proceed forward at all times [as originally proposed, the parking areas were dead-ended and necessitated backing up of large (fire) vehicles].

Chairman Fox stated that, if the Selectmen approve the site plan, it would be subject to that provision.

Responding to Selectman Donald, Mr. Snider stated that a new septic system would be installed to accommodate the new building - after approval of the site plan they will have the system designed and approved by the Health

Director; approximate size of the building will be 125' X 75' - approximately 18,750 square feet.

Addressing the Planning Board's concerns, Mr. Snider noted that the proposed site plan complies with the provisions of Zoning Bylaw Article IX,V,B and B1 (which the Building Inspector confirmed); Mr. Feldman stated that thirty-foot high trees provide a buffer along the property's northern edge, that the Planning Board is aware of that and included the buffer as a condition because it was concerned about mitigating the impact of the business use on the abutting residential districts and wanted this concern on record; and catch basins with grease and oil traps will be installed and maintained.

Mr. Feldman stated he is working with the Town Engineer regarding the Building Inspector's concern that three parking spaces are at or below the 125' elevation.

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

VOTED: To approve and sign Site Plan 85-290 of Stanmar, Inc., owned by Stanley W. Snider, for property located at 68 Old County Road, as shown on a plan entitled, "Site Plan of Land in Sudbury, Mass.", dated April 8, 1983, revised, June 9, July 22, August 26, 1983, December 4, 1984, and April 12, 1985, by Schofield Brothers, Inc., 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:

1. approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer; also, subject to other conditions placed on this site plan by the Town Engineer after discussion with the Fire Chief regarding turning radius for vehicles;
2. placement of all utilities underground;
3. extension of Sudbury Water District lines to the site by the owner; no wells for drinking water to be installed on the site;
4. the grant of an earth removal permit by the Earth Removal Board, if applicable;
5. approval of signs or advertising devices as required under the sign bylaw; it is the opinion of Town Counsel that the present sign is not legal and, as a condition of the granting of a temporary or permanent occupancy permit, that sign should be approved by the Board of Appeals; otherwise, another sign should be put up which complies with the Sign Bylaw;
6. no storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and except with written notice of the same to the Board of Health and the Fire Chief; the owner or operator of the site shall comply with the Massachusetts

Oil and Hazardous Material Release Prevention and Response Act,
G.L.c.21E, as amended, and all regulations issued thereunder;

7. approval by the Selectmen of an accurate architectural rendering of the proposed building or change, showing the front and side features as they will appear from the public way or private access (condition complied with - Selectmen approved 4/22 as submitted);
8. approval of the final landscaping plan by the Planning Board;
9. exterior lighting to be directed away from adjacent residences;
10. if applicable, the grant by the owner to the Town of a restrictive covenant to run with the land, governing, restricting or prohibiting the following, which shall conform to requirements of the Board of Health, Town Engineer and/or Conservation Commission as appropriate:
 - a. the disposal or removal of effluent and wastes generated on the site;
 - b. the use of salt or chemical de-icers on the site;
 - c. the installation by the owner of one or more monitor wells on the site including the Town's right of access for periodic testing and monitoring thereof, or another protective device as may be required by the Board of Selectmen;
11. submission of an "as built" site plan - any change in the physical condition of the site, including changes in the location or design of structures or systems, following initial approval of the site plan, will require approval of the Board of Selectmen;
12. the conditions set forth in the following communications:
 - a. Board of Health, April 19, requiring the building to be used for office space only, no hazardous waste to be generated or stored on the premises, approval of an acceptable subsurface disposal system, and installation of Town water;
 - b. Fire Chief, April 8, requiring a fire hydrant within 100 feet of the sprinkler connection, and a parking area design to meet the Fire Chief's approval which allows for fire apparatus to proceed forward at all times.
 - c. Planning Board, April 17 (the portion pertaining to SP85-290), requiring a landscape buffer along the property's northern edge to mitigate the impact of the business use on the abutting residential districts, and the installation of catch basins with grease and oil traps to be cleaned by the property owner at least once every six months or more frequently if necessitated by site conditions (according to the Building Inspector, compliance to the Zoning Bylaw Article IX,V,B1 and B - Off-street parking has been met).

- d. Conservation Commission, April 8, requiring a filing under the Wetlands Protection Act, installation of catch basins with grease and oil traps to collect the runoff and filter the pollutants from it prior to it entering the wetland areas in the parking area; and requiring approval from the Board of Appeals for any construction, fill, or rip-rap below the 125' elevation.
13. No building permit or occupancy permit shall be issued until all of the above items are complied with.

Telephone System

Executive Secretary Richard E. Thompson summarized his communication of April 18, 1985, recommending (in concert with the Town Accountant, the School Business Administrator and the Town's telephone consultant) that the Town reject all telephone bids on the basis that the following changes be made in the Town's specifications for a new telephone system: to include external cabling between the Flynn and Nixon Buildings (projected savings - \$7200 per year), the option for the vendor OR the Town to do the trenching in the Town Center area, and to reduce the networking from 18 to 16 telephone lines (approximate savings - \$1200); also, because there were insufficient competitive bids falling within the total appropriation.

Accordingly, it was on motion by Selectman Frost unanimously

VOTED: That all proposals opened on March 13, 1985, for a new telephone system be rejected for the reasons stated in the Executive Secretary's letter of April 18, 1985, and that new requests for proposals be solicited as soon as possible upon revision of the specifications to include the first three items in said letter.

MetroWest Growth Management Committee

Selectman Donald stated she would attend the upcoming meeting of the MetroWest Growth Management Committee, rescheduled to April 24, 1985. She reiterated the general concern of the Committee regarding how members plan to implement internal communications in their respective communities.

Chairman Fox felt the information should be disseminated uniformly. He pointed out that M.G.L.c.40A,s.5, mandates that cities and towns notify abutting cities/towns (and the MAPC) of zoning changes and that the MetroWest Memorandum of Agreement (MOA) provides that member towns are also notified; also, under the MOA cities/towns must notify abutting cities/towns of their individual development proposals.

Selectman Frost suggested that Sudbury's Planning Administrator disseminate any information provided by MetroWest Committee within Sudbury, suggesting also that Selectman Donald propose this idea to the Committee for the benefit of other member cities/towns.

Processing Parking Tickets

It was on motion by Selectman Donald unanimously

VOTED: To authorize the Parking Clerk to continue under contract with Computer Emporium, Inc., of Newburyport, for the processing of parking tickets, in accordance with a communication dated April 9, 1985, from Police Officer Jeffrey F. Gogan, Parking Clerk.

MultiGroup Health Plan/Employee Agreement

On the advice of the Executive Secretary, it was on motion by Selectman Frost unanimously

VOTED: To authorize the Chairman to sign the MultiGroup Health Plan Employer Agreement for 1985-86.

Mr. Thompson called the Board's attention to Chapter 32B, provided to them at the suggestion of Selectman Donald, which explains the requirements for Town funding of health insurance.

Mr. Thompson also informed the Board that the first meeting of the Sudbury Employees Group Insurance Advisory Committee will be held May 1 at 3:30 p.m. and that he would update the Board on the same.

Council on Aging Donation

It was on motion by Selectman Fox unanimously

VOTED: To accept, on behalf of the Council on Aging, miscellaneous donations for van transportation totaling ninety-one dollars.

Minutes

It was on motion by Selectman Fox unanimously

VOTED: To approve the minutes of the Regular Sessions of April 1, 2, 3, 8 and 9, as corrected.

Site Plan 85-288 - Richardson/684 Boston Post Road

Present: Applicant Thomas Richardson, Trustee, T.S.R. Realty Trust, Engineer Ronald Morese and Atty. Robert Dionisi; Building Inspector Joseph E. Scammon; Fire Chief Michael Dunne; approximately six abutters.

Site Plan 85-288 of Thomas Richardson, Trustee, T.S.R. Realty Trust, for property located at 684 Boston Post Road, Business District #6 and Residential A-1, to convert existing building into a restaurant, was continued by mutual consent, at a public hearing on March 18th, to tonight.

Executive Secretary Richard E. Thompson stated that, subsequent to the March 18th public hearing, the following had been received:

- submitted this evening, revised site plan and landscape plan, dated April 22, 1985.

- a communication from the Planning Board, dated April 22, 1985, requesting that the Selectmen postpone any action on the site plan to allow the Planning Board adequate time to review and comment on the revised plan which was submitted today.

- from the Building Inspector, dated April 19, 1985, stating that he will have to review the final version of the site plan before recommending approval and explaining the revisions to the site plan under date of April 22, as follows:

- the loop at the rear now encroaches on the residential zone by only ten feet; parking spaces are now on business-zoned land and the driveway is on the easterly residentially-zoned land;
 - parking is shown in front of the building and will need Board of Appeals approval for exception to the new amendment (Zoning Bylaw Article IX,V,B - Off-street Parking).
- an application to the Board of Appeals, received by the Town Clerk April 18, for a variance "to conduct a drive-through traffic corridor to service the remainder of the property in the business district".

Atty. Dionisi stated that the Board of Selectmen had continued this public hearing on March 18th because the applicant was applying to the Board of Appeals for a variance for utilization of a 20-25' strip of land for parking in a residential zone and a drive-through loop for access and egress in the residential zone. Atty. Dionisi went on to say that subsequent to the March 18th meeting with the Selectmen, the applicant and his engineer have met with various abutters and boards in Town and explained the following major changes to the site plan:

- 1) loop eliminated, no drive-through onto the residential property to the rear;
- 2) parking spaces which were shown on the residential strip abutting American Legion property on the east have been eliminated; the only purpose for the applicant to go to the Board of Appeals now (scheduled for May 9) is to use that residential strip for access and egress (later, the Building Inspector stated that it is necessary for the applicant to go to the Board of Appeals for the parking area located in front of the building);
- 3) by the above two revisions, the traffic flow has been rearranged so that headlights from oncoming traffic will not encroach on abutting residential property.

Atty. Dionisi stated his opinion that most of the concerns of other boards have been met. He stated that, because the site plan had just been submitted today, there was no time for the Planning Board and the Town Engineer to review it; the Building Inspector had some concern regarding the driveway and parking spaces which encroach on residentially-zoned areas.

Atty. Dionisi stated that the building has been reduced by ten feet in the rear; the seating capacity has been reduced, thereby reducing the number of

required parking spaces; as shown on a plan entitled, "Landscape Plan, Sudbury, Mass", submitted and dated April 22, 1985, the following is proposed: a green buffer along the eastern boundary, and a stockade fence and a retaining wall along the northern and western boundaries; the drainage requirements of the engineering office have been satisfied; through Lot 2, access to a drainage easement to the rear of the site will eliminate the need for a gas easement to Stone Road; and a curb cut application has been made to the State.

(Later, Mr. Bruce Kankanpaa, 11 Stone Road, pointed out that a 2' retaining wall in the rear, which the applicant had agreed to construct to support and raise the 8' stockade fence, was not shown on the plan; Mr. Richardson stated he would have the plan corrected.)

Atty. Dionisi stated that there was much discussion/concern expressed at the last hearing regarding an over-intensification of the business district by allowing the residentially-zoned portion of this property to be used in a business fashion; it was Atty. Dionisi's opinion that there was not a more logical use for this particular strip of residential land.

Selectman Donald expressed concern about the visual protection to the neighbors on the north side (rear) of the property against traffic, lights, and noise. Engineer Ronald Morese stated that an 8' stockade fence is proposed for that area.

Selectman Frost stated his only remaining concern is that shrubbery should also be included along the residential district in the rear to help muffle traffic noises.

Responding to the Selectmen, the Fire Chief stated he first saw the plan Friday afternoon and has not had sufficient time to review it.

Selectman Frost suggested that the hearing be postponed for a week in order to hear from the appropriate Town officials/boards/commissions. Speaking for himself, Selectman Frost stated he was no longer concerned with waiting until after the Board of Appeals hearing before voting on this site plan; that the applicant had done all that the Selectmen had asked at the March 18th hearing.

Selectman Fox reiterated what he had said earlier in the evening that the Selectmen not make a decision on a site plan which is submitted with significant changes on the same day as the hearing.

Selectman Fox suggested a two-week postponement to allow sufficient time for all boards to give their input to the Selectmen.

It was on motion by Selectman Fox unanimously

VOTED: To continue the subject site plan hearing to May 6, at 8:30 p.m., with the consent of the petitioner. Atty. Dionisi so indicated his concurrence.

Mr. Terwiske, American Legion, commented that this is a very congested area already, that the overflow of cars from the 99 Restaurant park along

Route 20 and on the subject property, and that there are many existing traffic problems in this area.

Mr. Ronald Griffin, American Legion, commented that Selectmen Frost and Donald had expressed a preference at the last hearing to wait for the Board of Appeals decision before voting on this plan and questioned the change of mind tonight.

Selectman Fox stated that the Zoning Bylaw provides for site plan applications to be addressed by the Board of Appeals and the Selectmen at the same time, and the Selectmen should, therefore, continue to process this application for site plan approval.

Selectman Frost stated he is looking at this plan differently because the original plan showed parking on residentially-zoned land and this plan meets all the requirements/resolves all of the concerns raised by the Selectmen last time with the exception of parking in the front.

Transient Vendor License - Richardson/684 Boston Post Road

Present: Applicant Thomas Richardson, Engineer Ronald Morese, and Atty. Robert Dionisi; Building Inspector Joseph E. Scammon; Fire Chief Michael Dunne; approximately six abutters.

Chairman Fox convened a public hearing on the application of Thomas Richardson, 27 Pendleton Road, Sudbury, for a Transient Vendor License to sell refreshments from a portable hot dog stand at 684 Boston Post Road, from 11:00 a.m. to 8:00 p.m., during the months of April through October.

Note: There is a pending site plan application by Mr. Richardson on this property to convert the existing building into a restaurant; hearing held earlier this evening was continued to May 6.

Executive Secretary Richard E. Thompson noted the following communications:

- from Town Counsel, dated May 24, 1982, which stated that a Transient Vendor is a person who engages in the sale of merchandise from a "tent, booth, building or other structure" for less than twelve consecutive months (M.G.L.c.101,s.1); both State and local licensing is required; a local license is issued by the Town Clerk upon authorization of the Selectmen; there is a local fee and Transient Vendors are subject to local rules and regulations governing their conduct and sales;

- from the Board of Health, dated April 16, indicating that, in the past, the Board of Health has disapproved portable food service operations for lack of toilet and hand washing facilities, and that, if the Selectmen approve the application, the applicant would still be required to satisfy Board of Health requirements prior to opening business;

- from the Police Chief, dated April 17, stating he is adamantly opposed to the issuance of this license, being of the opinion that it would not be

fair to the residents of the neighborhood and the local businesses on the Boston Post Road and because of the precedent it would set;

- from the Building Inspector, dated April 17, stating no objections so long as there are no fixed signs displayed (other than the stand itself) and facilities for refuse are available; and

- from the Fire Chief, dated April 11, expressing no objection to the issuance of this license.

Atty. Robert Dionisi stated that toilet and hand washing facilities are available inside the existing building on the property. Mr. Richardson stated he thought the Board of Health meant facilities for employees; it is not a public roadside stand. Selectman Donald questioned the liability of people using the building (which may be under construction) to use toilet facilities.

Mr. Richardson stated that he applied for a Transient Vendor's license to help defray the expenses of carrying this piece of property (and to keep his two boys busy this summer); that it would be a temporary operation which would cease if there was interference after construction began (which Atty. Dionisi later stated to Selectman Frost would be no earlier than August); he did not plan to operate the hot dog stand after the restaurant opened. Mr. Richardson stated that the stand is actually a van, approximately twelve feet long, containing refrigeration, cooking apparatus, and a screened window from which food would be served.

Selectman Frost expressed some concern about the traffic in regard to a fast food service at that particular location, unlike traffic turning in to park at a restaurant, which, he stated, he could justify in his own mind.

Chairman Fox stated he had major problems at this location for safety and traffic reasons given the nature of the business and the quick turnover of traffic. He stated this is a major intersection of traffic because of the 99 Restaurant and the American Legion, and Nokomis Road is directly across the street, concluding that for traffic and safety reasons he would be opposed to the issuance of this license.

Abutter Bruce Kankanpaa, 11 Stone Road, stated no objection as long as the cars stay on the commercial part of the property and not the residential.

Regarding the traffic issue, Mr. Richardson did not feel that because the 99 had a problem it should be his problem. Selectman Fox responded that there is a traffic problem in that immediate area and a fast food service will be exacerbating it.

Atty. Dionisi stated that this is a Limited Business District and a legitimate use for the zone. He stated that a 99-seat restaurant which is proposed by Mr. Richardson's site plan application will generate much more traffic than a hot dog stand, which, he stated, would have minimal concentration of traffic. He went on to say that, because the 99 Restaurant has a degree of intensification that allows for maximum use of parking and maximum inflow and outflow of traffic on Route 20, should not jeopardize

Mr. Richardson's legitimate interest to run a legitimate business, however small it may be.

Responding to Selectman Donald, who asked if a Transient Vendor License is an acceptable use in a Business District, Building Inspector Joseph E. Scammon stated that the bylaw does not address it; it does allow "drive-in retail establishments regularly serving food or dispensing merchandise from inside a building to persons standing outside or seated in their automobiles on the premises" and repeated what Town Counsel had stated in his letter of May 24 (above). Selectman Fox stated, and the Board agreed, that a portable hot dog stand could not be considered a "structure", and therefore the applicant does not qualify as a Transient Vendor in accordance with M.G.L.c.101,s.1. Some discussion followed regarding the uncertainty of whether a Board of Appeals variance or a special permit would be needed since it appeared that a portable hot dog stand is not addressed by the Zoning Bylaw.

Following further discussion it was on motion by Selectman Fox unanimously VOTED: Not to grant to Thomas Richardson, 27 Pendleton Road, Sudbury, a Transient Vendor License to sell refreshments from a portable hot dog stand at 684 Boston Post Road for the following reasons:

1. A Transient Vendor's License for a portable hot dog stand does not appear to be addressed or allowed in the local Zoning Bylaw; and
2. The use is an unsafe one because of existing traffic problems in that area and additional cars coming in to a fast food stand at a quick pace would create further traffic problems and unsafe traffic conditions.

Utility Petition 85-11/Maynard Road

Present: Robert Malis, Boston Edison; William B. Powell, 82 Maynard Road.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered Utility Petition 85-11 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 - westerly approximately 2035 feet north
of Hudson Road a distance of about 45 feet - conduit.

Executive Secretary Richard E. Thompson noted that all appropriate abutters had been notified, and noted receipt of a joint communication, dated April 17, 1985, from the Building and Wiring Inspectors, recommending approval.

It was on motion unanimously

VOTED: To approve Utility Petition 85-5 of Boston Edison Company and New England Telephone and Telegraph Company, as noted above, and as shown on the following plans: "N.E.T.&T.Co. No. 85-5 Plan for Conduit Location", dated April 11, 1985; and "Plan of Maynard Rd., Sudbury Showing proposed location of customer conduit", dated March 18, 1985.

Abutter William B. Powell (82 Maynard Road) was present; Chairman Fox suggested that he speak to Boston Edison Representative Robert Malis privately and that he would reopen the hearing if, after doing so, Mr. Powell had any questions/concerns regarding the subject utility petition. Thereafter Mr. Powell did not ask to be recognized by the chair because he indicated his satisfaction to the petition.

Sudbury Grange Invitation

The Board acknowledged receipt of an invitation from the Sudbury Grange regarding its 100th anniversary celebration, Tuesday, May 14. Each of the Selectmen had a prior commitment and directed the Executive Secretary to so inform the Grange and to send a congratulatory note on behalf of the Board.

Recognition of Service

With regard to a communication dated August 9, 1984, from the Fire Chief requesting public recognition for a department employee on his 25th year of service to the Town, the Selectmen discussed the idea that, rather than to establish a formal policy, they would salute employees upon request of department heads.

MSA Workshop

The Selectmen will notify the Executive Secretary if they plan to attend the Massachusetts Selectmen's Association Workshop, Saturday, May 11, at Clark University in Worcester.

CATV Public Statement

It was on motion by Selectman Frost unanimously

VOTED: To sign/issue a Public Statement, dated April 22, 1985, in accordance with the Massachusetts Cable Television Commission's Licensing Regulations 207 CMR Section 3.05(4), Grant of Final License, reporting the local cable television license grant to Adams-Russell Co., Inc., and to submit the same with required information related thereto to the the Massachusetts Cable Television Commission.

Drainage Easement-Scott/Pratt's Mill Estates

It was on motion by Selectman Fox unanimously

VOTED: To accept a drainage easement, dated April 16, 1985, from Charles R. Scott and Gertrude T. Scott for property located within The Pratt's Mill Estates Subdivision.

Communication/Health Insurance

The Board acknowledged receipt of a communication dated April 10, 1985, from Peter H. Anderson, on the subject of health insurance cost containment, and directed the Executive Secretary to thank Mr. Anderson for his letter and to keep him updated on the progress; also, to inform Mr. Anderson of the first public meeting of the Sudbury Employees' Group Insurance Advisory Committee, May 1.

Personnel Board Vacancies

Mr. Thompson informed the Board of two (upcoming) vacancies on the Personnel Board; Selectman Donald suggested a person previously interviewed for Assessor, who, she stated, seemed to have the appropriate background for this Board. Mr. Thompson will follow up on her recommendation.

Resignation/Sudbury Visiting Nurses Association

The Board directed the Executive Secretary to write an appropriate letter of acknowledgement to Mary Keaveny-Miller who is resigning from her position as Executive Director of the Sudbury Visiting Nurses Association.

Executive Session

At 9:15 p.m. it was on motion by roll call unanimously

VOTED: To enter into Executive Session for the purpose of discussing litigation where open discussion of the same may have a detrimental effect.

(Chairman Fox, in favor; Selectman Frost, in favor; Selectman Donald, in favor.)

Chairman Fox stated that Public Session would not reconvene following the Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 9:30 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk