

IN BOARD OF SELECTMEN
MONDAY, DECEMBER 2, 1985

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

Fiber Optic Cable - Raytheon/Western Union

Present: J. D. Spautz, Right-of-Way Specialist, Western Union.

The Board was in receipt of a communication from Western Union Telegraph Company dated November 18, 1985, (enclosing a letter and maps from Raytheon Company to Western Union, dated November 13, 1985) requesting permission to attach fiber optic cable to existing utility poles 1) from the Raytheon Company plant on Boston Post Road, Sudbury, easterly along Boston Post Road and northerly along Union Avenue and Concord Road to the Concord Town Line, as shown on a plan entitled, "Bedford to Sudbury", page B-6, and 2) from Raytheon Company plant on Boston Post Road, Sudbury, easterly along Boston Post Road to the Wayland Town Line, as shown on a plan entitled "Sudbury to Wayland", page B-7, to transmit communication data between its plants; said cable to be owned by Raytheon Company and installed by Western Union Telegraph Company; all cable to be installed above-ground, with the exception of connections from Route 20 to the Sudbury plant; and further, a second request from Western Union Telegraph Company, dated November 18, 1985, for permission to install a fiber optic cable of its own along the same routes to serve its customers; said cable to be lashed to the Raytheon Company cable.

Mr. Spautz of Western Union showed the Selectmen a sample of the cable which would be used; he responded there would be no radiation or microwaves present.

Chairman Fox stated he spoke to the Fire Chief who indicated concerns regarding lack of space on the utility poles, particularly, because of the on-going installation of cable television in Town. Selectman Frost commented that it is an expensive proposition to move fire cables and it was only after the Fire Department had negotiated with the cable television company that Adams-Russell agreed to absorb that expense; he suggested the same may be necessary in this case if it becomes evident that fire cables have to be moved to accommodate installation of the optic fiber cables, if, in fact, in the opinion of the Chief, there is room on the utility poles to accommodate the additional cable.

Mr. Spautz stated that Western Union would pay for any relocation of fire alarm cables and any other cable if it is necessary to move them.

Chairman Fox directed the Executive Secretary to consult with the Fire Chief regarding the Board's shared concerns, to contact the Health Department for endorsement in writing of this project, and, following a statement by Mr. Spautz that approval is needed from twelve other towns (Waltham, Concord, Bedford, Wayland, Weston, Cambridge, Burlington, Lexington, Wilmington, Andover, Tewksbury and Billerica), further directed Mr. Thompson to contact the towns of Waltham, Concord, Lexington, Bedford, Wayland and Weston regarding their reaction to this project.

Continued discussion with Mr. Spautz was tentatively rescheduled for December 16.

Note: Chairman Fox informed Mr. Spautz that the Department of Public Works is holding a public hearing in Sudbury, December 11, at 7 30 p.m., regarding the State project for the widening of Route 20, that the Selectmen hope to discuss the possibility of the undergrounding of utilities on Route 20 by the utility companies and/or the State in conjunction with the widening project. This, he stated, would impact directly on the Route 20 portion of the installation in question.

Sign State Reimbursement Anticipation Note

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

In accordance with a communication dated November 26, 1985, from the Town Treasurer, it was on motion by Selectman Donald unanimously

VOTED: To sign a State Reimbursement Anticipation Note in the amount of \$28,100 for design work for Sherman's Bridge, Lincoln Road, pursuant to Article 11 of the 1984 Annual Town Meeting; said borrowing was authorized by the Board of Selectmen November 25, 1985. The note with BayBank Middlesex, at 4.75% interest, is dated December 10, 1985, and will become due June 13, 1986.

UP85-28/Marlboro Road

Present: Carole McManus, Boston Edison.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered Utility Petition 85-28 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:

Marlboro Road - northwesterly approximately 331 feet southwest of Willis Road, a distance of about 8 feet - conduit.

Following a brief explanation by Ms. McManus of Boston Edison, it was on motion by Selectman Donald unanimously

VOTED: To approve Utility Petition 85-28, as described above, and as shown on plans of Boston Edison Company and New England Telephone and Telegraph Company entitled and dated, "Plan of Marlboro Rd., Sudbury, Showing proposed pole location of customer conduit", November 8, 1985, and "Plan For Proposed Conduit Location to Accompany Petition of New England Telephone and Telegraph Company", November 25, 1985, respectively.

Executive Secretary Richard E. Thompson noted for the record that all appropriate Town officials and abutters had been notified and that a joint favorable report, dated November 27, 1985, had been received from the Building and Wiring Inspectors.

Authorize Fire Chief to Sell Obsolete Equipment

It was on motion by Selectman Frost unanimously

VOTED: To authorize Fire Chief Michael Dunne to sell fire hose and six fire alarm boxes in accordance with his communication dated November 22, 1985.

Town's Fire Insurance Classification Change

The Board acknowledged receipt of a communication dated November 25, 1985, from ISO Commercial Risk Services, Inc., notifying the Town that, following its evaluation, the Town's fire insurance classification has been improved from Class 5 to Class 4, effective January 1, 1986.

Chairman Fox commented that it appears by the letter that only commercial properties would be affected and is waiting to hear back from the Fire Chief as to whether or not residential properties are also.

Chairman Fox stated the importance of publicizing the same so that homeowners, as well as owners of commercial properties, will know that their insurance premiums could be lower.

State Award Granted to Water District (FY84 Flouride Compound)

The Board noted receipt of a communication dated November 21, 1985, from the Executive Office of Human Services announcing the award of \$2,417.75 to the Water District as reimbursement for the cost of flouride compound for FY84, and that grant applications for FY85 may be submitted.

Note: The check will be sent to the Sudbury Water District.

Site Plan 85-295/Roger K. Kane, Jr. Realty Trust, 119 Boston Post Road

Present Applicant Roger K. Kane, Jr., (sister Cathy Kane), Atty. John Gibney, and Engineer Philip Lukens, GLM Engineering Consultants, Inc.; and Building Inspector Joseph E. Scammon.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan 85-295 of Roger K. Kane, Jr. Realty Trust, for property located at the rear of 119 Boston Post Road, known as Lot Y2, owned by Roger K. Kane, Jr., for construction of one, two-story, 4,800 square foot office building; Industrial District #4.

Chairman Fox explained that he represents a client who is purchasing a Kane home and for that reason asked if there were any objections to his hearing this site plan; no objections were expressed by the applicant or his attorney.

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

- from the Conservation Commission dated November 20, the Town Engineer dated December 2, and the Fire Chief dated November 19, all indicating no concern;

- from the Board of Health, dated November 25, expressing approval conditioned on the building being used for office space only and Town water being provided;

- from the Building Inspector, dated November 29, recommending approval conditioned on the relocation of five parking spaces along the driveway that are visible from the street to the rear of the building as the Parking Bylaw requires; and

- from the Planning Board, disapproving the site plan because the parking shown on the plan (five spaces along the driveway) is not in conformance with Section IX,V,B,5 of the Sudbury Bylaws.

During an explanation of the proposed site plan, Atty. Gibney stated that twenty-seven parking spaces are required and to comply with the Town Parking Bylaw, which requires parking in the rear of the building, the building would have to face Wayland (east) instead of Boston Post Road.

It was further explained that an application for a special permit by Mr. Kane to the Board of Appeals requesting permission to fill an area in the flood plain in the back of the lot, to accommodate parking there, had been withdrawn by the applicant, as requested by the Board of Appeals at the hearing, because he was unable to show hardship. Chairman Fox explained that, had the Board of Appeals, instead, denied the application with prejudice, which it could have done instead of requesting the applicant to withdraw his application, the applicant would not have been able to reapply for two years.

Mr. Kane further explained that the flood plain encroached on the rear of the lot so that it was necessary to relocate five parking spaces, and that was accomplished by showing them along the driveway, which, unfortunately, makes those spaces nonconforming.

The Building Inspector stated that he would approve the site plan if those five spaces could be relocated so that they were not visible from the street and, therefore, be in compliance with the Parking Bylaw.

Chairman Fox made the following recommendations to the applicant regarding the problem: 1) alter size of building so that five less spaces would be necessary (applicant indicated that would mean a 15' loss in the length of the building); 2) move building to right of the lot - northeast direction - (the applicant stated this could not be done because of the location of the septic system); 3) consult with the Town Engineer regarding relocating the parking spaces in the rear without encroaching on the flood plain; 4) discuss further with Building Inspector; and 5) reapply to the Board of Appeals with help of his attorney to present adequate supporting data to show hardship.

At the conclusion of discussion, it was on motion unanimously

VOTED: To continue to December 30, 1985, by mutual consent, Site Plan 85-295, Roger K. Kane, Jr. Realty Trust.

Note: Chairman Fox stated for the applicant's information that the Planning Board is drafting an article for the 86ATM to amend the Parking Bylaw.

Selectmen's Annual Report

It was on motion by Selectman Frost unanimously

VOTED: To approve the Selectmen's report for the 1985 Annual Town Report, as drafted by the Executive Secretary, subject to the corrections made by the Selectmen.

Input/Planning Board Articles

On the question of providing input to the Planning Board relative to its draft article on site plan approval, design review, and parking bylaw changes, the following consensus was reached :

Site Plan Approval Process

During review of the draft site plan approval process, the Board requested several areas be deleted and recommended several deletions with replacements/-modifications (sections 3d, 4, 5, 6a, 6b, 6e, 6f, 7b, 8a, and 9a that are contained in the draft as marked up) and directed that the draft, showing the Board's input, be submitted back to the Planning Board.

Additionally, the Board requested that several terms be defined : 1) "Open Space", so that it is not confused with the assessing connotation, 2) in section 6.k., the "30%" designation as Open Space for a lot; and 3) another minor definition in section 6.e. was requested as shown on the draft.

The Board raised certain legal questions, for example, does a notice of special permit, which has to be recorded, run with the land? Regarding "Increased Reserve Parking", which cannot be activated until one year elapses, how can it run with the land and what happens if land changes hands (require new owner to put in the extra parking)? Also, section 5, question of the Selectmen having the authority to continue a public hearing or the petitioner requesting continuation of a public hearing, since time limitations are governed by State statute.

Other concerns raised were :

1. Are changes consistent - not in conflict - with other bylaws, i.e., under special permit guidelines, there is a reference to the "Board of Appeals shall. . ." which perhaps should be changed to "special permit granting boards shall. . ." (p.71a, XI,VI, C,5);

2. Would like to see comparisons of proposed revisions and existing Bylaws (as it would be done for presentation to ATM) so that the full implications of the proposed changes can be understood; for example, 1) current versus proposed (75') landscape buffer (section 6,k,2) and 2) are proposed landscaping changes consistent with the Landscape Bylaw.

3. Keep preliminary hearing and include in bylaw.

4. Requirement of a Registered Landscape Architect - perhaps should be tied into size of building so it is not a requirement for small projects.

5. Reserve Parking Spaces (section 7) - question of whether this is legal.

6. Question of whether section 9, Special Permit Conditions, paragraph "a" regarding dimensional requirements is legal.

Note: discussion was tabled and continued later in the evening:

Design Review Board (creation of)

- question of whether Selectmen are the appointing authority;
- great consternation expressed by Selectman Frost on the basis that 1) it would be one more board which applicants would have to receive approval from; and 2) concerned that decision may not be objective enough.
- based on Selectman Frost's strong objections, whether this should be a joint submittal.

Parking Bylaw Change - no concerns stated.

The Executive Secretary was directed to forward this article (encompassing the site plan approval process, the creation of a Design Review Board and Parking Bylaw changes) to the Building Inspector, the Town Engineer and Town Counsel for their input.

Sign Bylaw

A second article - revisions to the Sign Bylaw - being drafted by the Planning Board had not yet been received and will be discussed by the Board at its next meeting on December 9.

Accept Articles/December 2 Deadline

It was on motion by Selectman Frost unanimously

VOTED: To accept the following articles, submitted under the December 2nd deadline, for the 1986 Annual Town Meeting, and to refer all Zoning Bylaw amendment articles to the Planning Board for its hearing and report, in accordance with M.G.L.c.40A,s.5 :

- Amend Personnel Bylaw, Art. XI - Classification & Salary Plans, Sec. 3 Terms, and Sec. 4 Salary Plan
- Amend Personnel Bylaw, Art. XI,7(2) - Sick Leave
- Street Acceptances
- Codjer Lane Extension - Street Acceptance
- Discontinue Portion of Codjer Lane (East)
- Sudbury Centre Intersection

- Amend Zoning Bylaws, Art. IX,V - Special Regs : Site Plan, Design Review Board, and Parking
- Amend Zoning Bylaws, Art. IX,V - Special Regs: Signs
- Amend Zoning Bylaws, Art. IX,IV - Intensity Regs : Lot Width (Bookmark Article)

Budget Reviews

Present: Chairman Marjorie Wallace and Stephen D. Ellis, Finance Committee.

Building Department FY87 Budget

Present: Building Inspector Joseph E. Scammon.

Chairman Fox convened a meeting with the Building Inspector for a review of the Building Department FY87 Budget.

The following is a summary of the discussion relative to the same :

- During discussion of the Finance Committee's concern regarding -12 Overtime & Extra Hire account, specifically vacation and sick fill-in for clerical, it appeared a consensus was reached affirming the need;

- The -32 account showed \$3,000 for the maintenance and repair of the Hosmer House. Also, money to paint the Hosmer House and Flynn Building had been combined in one sum. The Finance Committee's opinion was that the Hosmer House expenses (including operating expenses) should be in the Historical Commission's budget. Following a lengthy discussion and on recommendation of Chairman Fox, the Finance Committee Chairman agreed to go back to the Committee to inquire whether it felt it would be sufficient to leave Hosmer House in the Building Department budget but under a separate line item with the understanding that the Historical Commission would be informed that (separate) articles for any maintenance of the Hosmer House should not be submitted to Annual Town Meeting, but instead, the Historical Commission should give its input (if it so desires) to the Building Inspector during preparation of his budget;

- A \$6,000 expenditure for a computer system was deleted from the budget at this time.

Dog Officer FY87 Budget

Present: Dog Officer Betsy M. DeWallace.

Chairman Fox convened a meeting with the Dog Officer for a review of the Dog Officer budget for FY87.

There were no questions and very little discussion; the Dog Officer was commended for presenting a very clear, precise budget.

Selectmen FY87 Budget

During review of the Selectmen's FY87 budget, it was on motion by Selectman Frost unanimously :

VOTED: To approve job titles and descriptions for the new position of Budget and Personnel Coordinator and for the position of Office Administrator (formerly Administrative Secretary).

During discussion of the above positions, it was pointed out by the Executive Secretary that the position of Office Administrator, to be filled by Janet Silva, will be budgeted under line item -110; her salary, therefore, was not included in line item -130 as in the past. The position of Budget and Personnel Coordinator is also included in line item -110.

At the conclusion of review and responding to Chairman Fox, Mr. Thompson stated that the total budget is up \$31,514 over FY86, including the \$25,000 for the new Budget and Personnel Coordinator (line item -110).

Unclassified

There was little discussion and no questions at this time with the budget as presented.

Law

During review of the law budget, it was on motion by Selectman Frost unanimously

VOTED: To approve Town Counsel's FY87 budget totaling \$59,644, and specifically his salary (retainer) in the amount of \$20,670 and an amount of \$21,024 for additional expenses in staffing his Sudbury office.

Note: The above vote was amended at the Board's meeting of December 9, 1985.

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

VOTED: To support the above budgets as presented, subject to minor corrections which were discussed and to forward the same to the Finance Committee.

Minutes

It was on motion by Selectman Donald unanimously

VOTED: To approve the minutes of the Regular and Executive Sessions of November 25, 1985, both as drafted.

MetroWest Meeting

Selectman Donald updated the Board on a MetroWest meeting she attended, noting that she intends to bring a vote to the Board next week to support the continuation of MetroWest and, specifically, a grant application for the continuation of a planner and a study associated with affordable housing.

Selectman Donald stated that there was discussion and support of the possibility of the continuance of MetroWest on a permanent basis down the road, not out of grant money but from contributions from the eight MetroWest towns. She stated that the grant application requires that the member towns pay 10% of the MetroWest Planner's salary - approximately \$2,000 per town.

Chairman Fox suggested that the Sudbury Housing Authority be notified of this proposal by MetroWest.

Chairman Fox commented that the amount contributed should be tied into the amount of time given to each Town by MetroWest or to the population, it being his opinion that Sudbury would not receive priority attention, i.e., Route 9 would receive priority over Route 20 in Sudbury.

Chapter 90 Construction Funds/Highway

It was on motion unanimously

VOTED: To sign a State Chapter 90 Bond Issue Project final report #6033-8028, certifying that the Street Overlay project expenses totaling \$103,774.50 are in conformance with the Initial Advisory Report, May 8, 1985.

House 6910

Executive Secretary Richard E. Thompson stated he testified on behalf of the Board at the hearing on November 26, 1985, opposing the H6910, an act further regulating collective bargaining.

Executive Session

At 11:00 p.m. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing the Discretionary Fund and Litigation (Walker Farm) 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 announced that Open Session would not reconvene following the Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 11:10 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk