

IN BOARD OF SELECTMEN
MONDAY, JANUARY 21, 1985

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

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

Joint Meeting/Planning Board

Present: Chairman Thomas W. Phelps, Morton L. Brond, John C. Drobinski, Lael M. Meixsell and James G. Hannoosh, Planning Board; and Planning Administrator Lee Newman.

Chairman Donald convened a meeting with members of the Planning Board to discuss the Route 20 Update of the Master Plan, recently completed by the consultant, Interchange. She asked members of the Planning Board for their individual views on the document.

Planning Board Chairman Thomas W. Phelps felt that the Master Plan would be a document to "support" Planning Board action(s) - something they could defer to, whether it be on sub-divisions or revisions to rules and regulations. He felt the Master Plan is good reference material and that both Boards should single out those portions of the report which they felt would be most helpful in approaching the future planning needs of the Town.

Mr. Meixsell felt that the Master Plan accomplished some very positive things; namely, participation of Townspeople with regard to planning the future of the Town, and water and traffic information. Mr. Meixsell felt that additional information would be needed to supplement the traffic suggestions in the report before he would be willing to implement any of the suggestions. He supported the concept of a detailed computer simulation of traffic being developed.

Mr. Phelps added that the Planning Board had budgeted \$15,000 in order to have a traffic study simulation done for a more detailed look at traffic in the Route 20 area. Planning Administrator Lee Newman explained that they got the idea from a study being done in the Town of Lincoln. She responded to the Selectmen that she had discussed the idea with the Town Engineer, that he was not fully supportive of doing a further traffic study, but that she personally felt the additional traffic data was needed for a comprehensive review of traffic issues in Sudbury.

Mr. Drobinski agreed that the Route 20 Master Plan update could be used as a guide, that the Plan was a good concept, and that suggestions should be singled out which are most financially feasible and most beneficial to the Town.

Mr. Hannoosh felt the issue was to decide what the two Boards were going to do with the report, how to disseminate the information, what action the Board(s) should take on it, and to set some time tables for the same.

Selectman Frost did not support the \$15,000 expenditure for a traffic study because of tight budget restraints in general, and suggested that the Planning Board use available information and rely on traffic study information being compiled by the MetroWest group and the Minuteman Regional Planning Area Council. He felt that the Town should also take advantage of the MAPC which offers 75 hours of free service per year on issues selected/requested by the Town.

Mr. Meixsell agreed but felt that any regional information would have to be fine-tuned to serve Sudbury's interest; for example, how many access ways does the Town want each shopping center to have. Mr. Hannoosh added that some reasonable data is available from Raytheon on major intersections in Town and for the portion of Route 20 from Waltham to Route 495; the Board(s) should determine what they want to do, given the data available now, and determine whether more traffic data is needed. A computer traffic simulation would provide proposed alternatives to measure impact on the Town. He stated that all current data would be fed into the program, and, responding to Selectman Fox, Mr. Meixsell stated that the program could be updated as changes occur, i.e., Route 20 widening, but that he did not know what the cost of updating the program would be.

Mr. Hannoosh felt that Hans Helgeson's report was beneficial and suggested there might be some student and/or urban planning centers, i.e., at M.I.T. which could help to mitigate the \$15,000. Mr. Thompson added that there is a lot of information on traffic already available which had been done in conjunction with various site plan applications. He questioned the effect of the many unanswered variables which exist might have on a computer simulation model - for example, the question of Union Avenue access and other proposed Raytheon traffic improvements. Mr. Meixsell stated that this type of information which could be fed into the program to update it.

Mr. Brond expressed his opinion that, too often, data is gathered but not put together/compiled properly so that concise conclusions can be made. He stated that, with regard to the issue of traffic, the Planning Board is attempting to put some "organized intellect" into the planning approach to traffic by sifting through all available material and determining what is lacking; this can be done by developing a computer simulation.

Mr. Thompson commented that he had some serious reservations about the Route 20 Master Plan update and the advisability of doing an intense traffic study, and using estimates based on a town-wide Lincoln study. He stated that the Selectmen have proposed zoning changes for two shopping center access roads in the Nobscot and Raymond Road areas for "public safety purposes" and felt these issues could be verified now (without) additional traffic studies; it being his opinion that the Town Engineer concurs.

Mr. Meixsell, stressing his support of the traffic simulation program, stated that it would be difficult to assess the validity of citizens' complaints about traffic, i.e., proponents of Peakham Road Walkway petition article, without developing a traffic simulation which would address many areas of the Town.

Mr. Phelps pointed out that there is a lot of other good, conceptual information besides traffic addressed by the Master Plan, and he suggested that, one way to utilize the Plan would be for the Board(s) to consult it when addressing sub-division and site plan applications.

Selectman Fox agreed that "what to do with the report" is the most important question. He suggested that there is a lot of information to be analyzed before adding to it, and agreed with Mr. Brond that more effort should be made to avoid the situation he mentioned - the lack of organization and coordination of material and information in general.

Following discussion, both Boards agreed that a pre-site plan (commercial) review with Town Staff (the Town Engineer, the Building Inspector, the Executive Secretary, the Conservation Co-ordinator, the Health Director, the Executive Secretary of the Sudbury Water District, the Planning Administrator, and the Fire Chief) would be most beneficial in terms of good town planning. Town Counsel was directed to draft the wording which would formalize such a policy.

A majority agreed with Mr. Phelps' suggestion that the Planning Board should review the Master Plan point by point and respond to the Selectmen on each individual item. Mr. Phelps stated he would get back to the Selectmen as soon as possible.

Responding to Mr. Brond, who stated that he learned of two (traffic-related) articles being submitted by reading about them in the newspaper and that the Planning Board would appreciate being consulted on any planning issues in the future, Selectman Fox stated it was an oversight and to call the Selectmen's office if he (or any member) had any similar concern in the future.

Site Plan 84-286 - Automotive Diagnostic Center, 100 Boston Post Road

Present: Applicant William R. King, owner Foreign Performance Ltd., d/b/a Automotive Diagnostic Center; Architect John Brennan; and Building Inspector Joseph E. Scammon.

In accordance with Art. IX, section V, paragraph A of the Sudbury Bylaws, the Board considered Site Plan 84-286 of William R. King, for property located at 100 Boston Post Road, Business District #1, to enlarge the existing building.

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

- from the Board of Health, dated January 18, 1985, recommending that any decision regarding this site plan application should be postponed until specific issues (listed in his communication) relative to the subsurface disposal system and the waste oil tank are resolved;

- from the Planning Board, dated January 17, 1985, recommending conditional approval;

- from the Fire Chief, dated January 17, 1985, commenting on the following: 1) since parking always appears to be at maximum, he questioned a building expansion which would generate more vehicles and whether the lot can safely accommodate any increase in the number of vehicles; and 2) that the waste oil tank should be replaced if it is over ten years old.

- from the Conservation Commission, dated January 14, 1985, determining the following: 1) that a Wetlands Protection Act filing will not be necessary, and that, if any additional site drainage will be discharged into the wetland to the north of the site, a Notice of Intent filing will be required; and 2) since relocation of a waste oil tank is proposed, the Commission recommends that the tank be replaced if it is more than five years old;

- from the Town Engineer, dated January 14, 1985, conditioning approval on Board of Health approval of the septic system;

- from the Building Inspector, dated January 18, 1985, recommending approval.

Architect John Brennan, representing the applicant, gave the following presentation:

- the proposal is for a 1,444 square foot, two-story addition to the existing 2,207 square foot automobile service center;

- the addition, planned as office use, will be to the rear of the existing building - 399 square feet on the first floor and 1,045 square feet on the second floor;

- no plumbing will be added;

- the waste oil tank will be relocated; later, responding to Chairman Donald, Mr. Brennan stated that they would maintain the same twenty-foot distance from the septic tank in relocating the tank. Mr. King added that the system pumps from inside the building - the waste oil goes through interior drainage into the waste tank;

- will try to maintain the same exterior and simplified lines of the existing building; there will be a gable roof with a shed dormer where the office space will be added; wood siding will be similar to what is there already.

Responding to the Selectmen, who questioned concerns raised by both the Board of Health and the Town Engineer relative to the additional load on the septic system with the new addition, the Architect stated that it is noted on the site plan that there will be no change in the plumbing or to the existing drainage due to the addition.

Responding to Chairman Donald who referenced the Planning Administrator's recommendation that "all driveway vehicular access to and from the lot at the street line be limited to a width of not more than forty feet", Mr. Brennan stated that the opening is currently approximately fifty-five feet. Owner

William King said that, given the traffic situation on Route 20, in his opinion, the wider opening was more convenient and safer than a narrower one.

The Selectmen agreed that the applicant should discuss this issue with both the Town Engineer and the Planning Administrator and their mutual decision would be supported by the Board.

In above-noted reports, the Building Inspector points out that overnight parking is limited to twenty-three cars by Board of Appeals permit, and the Fire Chief makes reference to the frequent maximum parking on site. Responding to this issue, Mr. King stated that they are working within the guidelines for parking cars, attempting to park cars as neatly as possible, and that the parking area will be lined when the weather is better. He said that the maximum number of cars which have been on the site during the day, including four employee cars, is fifty.

Responding to Chairman Donald's reference to the Conservation Commission's concern regarding any additional site drainage, Mr. Brennan stated that the existing site drainage will not be changed by the addition.

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

VOTED: To approve Site Plan Application 84-286 of Foreign Performance Ltd., d/b/a Automotive Diagnostic Center, for property located at 100 Boston Post Road, owned by George W. Gordon, Business District #1, to enlarge the building, as shown on "Site Plan & Exterior Elevations, Addition to Existing Service Center, Auto Diagnostic Center", dated December 4, 1984, by Architect John T. Brennan, 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) 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, M.G.L., c.21E, as amended, and all regulations issued thereunder;
- 2) final 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;
- 3) use of salt and de-icing materials to be minimized on the site;
- 4) 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;
- 5) no building permit shall be issued until the sub-surface disposal system is approved by the Board of Health;

6) the current waste oil tank is to be replaced and the height and the relocation of the tank are to be approved by the Fire Chief;

7) the major requirements of the Landscape Bylaw are to be waived, and the applicant is required to landscape the existing traffic island with low level shrubbery, in accordance with the Planning Board's January 17 report; and

8) a determination by the Town Engineer and the Planning Administrator as to whether or not all driveway vehicular access to and from the lot at the street line should be limited to a width of not more than forty feet.

The Selectmen signed the site plan.

Wachusett Regional Waste Disposal Study

Executive Secretary Richard E. Thompson reported on a meeting he attended with Selectman Frost and the Town Engineer in Bolton last week to discuss the question of participating in the Wachusett Area Solid Waste Study Committee and funding a preliminary study of solid waste management on a regional basis.

Mr. Thompson stated that Selectman Frost made an informal commitment for Sudbury's participation subject to the participation of six or more towns. This would result in a cost to Sudbury of approximately \$4,000.

Responding to Selectman Fox, Mr. Thompson stated he would be sure that Mr. Gogolin (128 West Resource Recovery Council Representative) had received all of the information on the subject.

Responding to Chairman Donald, Mr. Thompson stated that towns in attendance and interested in participating and funding the study were Hudson, Bolton, Stow, Harvard, Littleton, Clinton and Sterling, and that the Hudson Selectmen Chairman agreed to go back and get confirmation from his Board that they would act as Chairmen of an ad-hoc committee to pursue this. Of the towns which did not attend, Mr. Thompson noted that Marlboro was not interested in participating.

With respect to the "scope of work", Mr. Thompson informed the Board that some of the items listed are already being done in-house since Sudbury has a full-time engineering department, unlike some of the other towns involved. He further informed the Board that the Town Engineer felt that, regardless of that, the money would still be justified insofar as the scope of work would update what we are doing and includes an "assessment of costs involved with the establishment of (several suggested) jointly operated" functions.

Mr. Thompson stated that, following the next meeting in approximately one month, he may recommend to the Board that they request a transfer in order for Sudbury to join this study.

It was on motion by Selectman Frost unanimously

VOTED: To participate in the Wachusett Area Solid Waste Study Committee and to fund a preliminary study of solid waste management on a regional basis,

provided that there are at least six towns interested in participating and sharing the cost to fund the study.

Site Plan 84-287 - Chiswick Trading, 29-31 Union Avenue

Present: Applicants Ted Pasquarello and James Spertner; Engineer Richard Skarinka, Schofield Brothers, Inc.; and Building Inspector Joseph E. Scammon.

In accordance with Art. IX, section V, paragraph A of the Sudbury Bylaws, the Board considered Site Plan 84-287 of Chiswick Trading Company, for property located at 29-31 Union Avenue, for the installation of a temporary "bubble" warehouse.

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 Fire Chief, dated January 21, which supplements his communication of January 17. The Chief states in his January 21 memorandum that the applicant agreed to reduce the size of the bubble to below 7500 square feet and maintain a ten-foot minimum width access way between the bubble and the existing building to accommodate fire apparatus (and to keep the area cleared of snow at all times); also the Chief suggested that a time limitation be established for removal of this temporary building and requested that the (temporary) building be connected to the municipal fire alarm system.

- from the Board of Health, dated January 18, 1985, recommending approval with the stipulation that there will be no hazardous material stored in the warehouse;

- from the Conservation Commission, dated January 14, 1985, determining that the installation of the air bubble does not impact on the wetland; the Commission suggests that the trash dumpster shown located adjacent to the drainage ditch in the northwest corner of the site be moved outside of 100 feet of the ditch;

- from the Planning Board, dated January 17, 1985, recommending conditional approval; and

- from the Building Inspector, dated January 18, recommending approval; and

- from the Town Engineer, dated January 14, 1985, recommending additional landscaping and approval conditioned on the approval by the Board of Health of any additional load on the septic system which may be created due to the additional warehouse.

Mr. Pasquarello stated that they had currently purchased a 17-acre site adjacent to their building and plan to file an intent in about six weeks for a new office and distribution facility, which they hoped to occupy by December, 1985. They would like to have the option, in case they have any problem with construction within the next six months, of erecting a temporary "bubble" warehouse. To conform to the Fire Chief's requests, the proposed size of the

bubble has been reduced to 7200 square feet; it will, therefore, not require a sprinkler system; also, it will be installed ten feet away from the existing building for fire access. Mr. Pasquarello stated further that there is a 90% chance that they will not put the bubble up, and, if it is installed, it will not be up for more than twelve months. It takes approximately 4-5 hours to assemble and the same amount of time to take down. There will be no additional plumbing, no excavation of the parking area, no employees working in the temporary warehouse, and no interference to the wetlands. The bubble will be all white, 24' high X 40' feet wide X 180' long; it will not be visible from Route 20 or Union Avenue; they would do temporary landscaping until the total 25-acre site is developed and landscaped.

Selectman Frost stated he had no objection to the installation.

Responding to Selectman Fox, Mr. Pasquarello said that they would be storing plastic film in the warehouse; that Chiswick employs 74 people.

Responding to Chairman Donald, Mr. Pasquarello said that they will move the dumpster in accordance with the Conservation Commission's request.

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

VOTED: To approve Site Plan Application 84-287 of Chiswick Trading Company, for property located at 29-31 Union Avenue, as shown on "Site Plan of Land in Sudbury, Massachusetts, Prepared for Chiswick Trading Co.", dated December 11, 1984, 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) 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, M.G.L., c.21E, as amended, and all regulations issued thereunder;

2) final 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 (a commercial rendering showing what the bubble will look like is acceptable);

3) 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;

4) no storage of hazardous materials in the temporary warehouse, as stipulated by the Board of Health's report of January 18;

5) the relocation of the trash dumpster, in accordance with the Conservation Commission's report of January 14, 1985;

6) that the temporary structure/"bubble" be dismantled twelve months from the time it is constructed and the site returned to its pre-site condition, as recommended by the Planning Board (suggested 18 months) and the Fire Chief, in reports dated January 17 and January 21, respectively;

7) that the major requirements of the Landscape Bylaw be waived and that the applicant be required to provide some additional temporary landscaping on the site, to be approved by the Planning Board;

8) compliance with Section 422.2 of the State Building Code, governing air-supported structures, as noted the Building Inspector's report of January 18;

9) that the bubble size be reduced to below 7500 square feet (applicant stated it would be 7200 square feet), in accordance with the Fire Chief's request of January 21;

10) that there is a minimum ten-foot access way between the bubble and the existing building which is to be maintained for fire access; the area is to be kept cleaned of snow at all times;

11) that the building be all white, not multi-colored as shown in the brochure;

12) that it be 24' high, 40' wide, and 180' long.

The plan was returned to the applicant to be revised according to the Board's voted stipulations and to be resubmitted for signing.

Note: see amendment to the above vote in minutes of January 28, 1985.

Reserve Fund Transfer/Board of Appeals

The Board noted receipt of Transfer Request No. 21 from the Reserve Fund, dated January 14, 1985, to Board of Appeals Account 370-21, in the amount of \$400. The transfer request is to pay for additional costs associated with a 53% increase in the Board of Appeals caseload in 1984 and anticipated associated related costs in 1985.

Police Matters

a. Purchase of Police Vehicles

The Board was in receipt of a communication from The Greater Boston Police Council, dated November 21, 1984, to Chief Lembo, enclosing specific information including bid listings, vehicle specifications, trade-in values and costs, as well as a copy of the Chief's order to Natick Auto Sales, Inc., dated January 16, 1985.

b. Transfer Request

Following a brief discussion, it was on motion unanimously

VOTED: To approve the purchase of four police cruisers from Natick Auto Sales, Inc., through the Greater Boston Police Council, at the bid price of \$9,501 per vehicle after trade-in;

and it was further

VOTED: To approve Request for Transfer No. 23, dated January 16, 1985, from the Reserve Fund to Police Account 320-51, in the amount of \$2,000 for the purchase of the above-noted police cruisers.

Resignation/Long Range Capital Expenditures Committee

It was on motion by Selectman Fox unanimously

VOTED: To accept the resignation, dated January 10, 1985, from Gerald M. Orris from the Long Range Capital Expenditures Committee, effective immediately, and to direct the Executive Secretary to forward a letter of appreciation to Mr. Orris for his services on this Board.

Meeting Change

It was on motion unanimously

VOTED: To cancel the Board's regular meeting of February 18, which falls on Washington's Birthday, and to tentatively schedule a brief, late afternoon meeting that week.

Minutes

It was on motion by Selectman Fox unanimously

VOTED: To approve the minutes of the Regular Session of January 14, 1985, as amended, and the Executive Session minutes of said date, as drafted.

Transfer Request

It was on motion by Selectman Fox unanimously

VOTED: To approve Transfer Request No. 22, dated January 14, 1985, from the Reserve Fund, to Unclassified Non-contributory Retirement, Acct. 950-103, in the amount of \$285.79, as explained on the numbered transfer.

MDC Meetings

Chairman Donald indicated interest in four of eight suggested workshops being presented by the Metropolitan District Commission Water Division with regard to assessing alternatives for meeting the forecast water needs of the MDC prior to distribution of reports and directed the Executive Secretary to respond accordingly.

Sudbury Chamber of Commerce

Selectmen Donald and Frost indicated plans to attend the Sudbury Chamber of Commerce meeting on Wednesday, January 30, at Ephriam's Restaurant, at 5:00 p.m.

Conservation Meeting

The Board acknowledged receipt of an invitation from Gordon Henley, Chairman of the Conservation Commission, inviting the Board to the 1985 Massachusetts Association of Conservation Commissions Annual Meeting, Saturday, March 2, from 8:00 a.m. to 4:00 p.m., at Holy Cross College in Worcester. The Selectmen are unable to attend and directed Mr. Thompson to so inform Mr. Henley.

Hydrant Rental

Chairman Donald referenced a communication from Winthrop H. Fairbank, dated January 8, 1985, mailed to Selectmen's homes, setting forth justification for the increased hydrant rental suggested to the Board of Selectmen at its January 14th meeting.

Connector Road, Rt. 128 to Rt. 495

Selectman Fox brought to the Board's attention, an article in the January 17 issue of The Middlesex News, regarding the proposal for a connecting road from Route 128 to Route 495 (through Sudbury).

Right-To-Know Regulations

Selectman Frost directed Mr. Thompson to forward a copy of the Right-to-Know article in the January 1985 issue of The Beacon, to the Hazardous Waste Co-ordinator and his assistant for their information.

Minuteman Regional Area Planning Council

Selectman Frost reported that the Minuteman Regional Area Planning Council (formerly known as the Metro-West North group) will focus its attention on what it feels to be the five most important areas of mutual concern - water, septage, waste, land use and traffic. The estimated cost of such a study will be \$65,000, less the equivalent of approximately seventy-five hours of donated time to each community by the MAPC, approximately \$7,600.

Selectman Frost added later that he had not committed any of Sudbury's MAPC hours, that he personally was not interested in doing so, and that he had suggested that the Council use the Metro-West recently-completed report as a guideline.

Executive Order #213

Selectman Frost directed the Executive Secretary to obtain from the Governor's office a copy of Executive Order #213 having to do with "Planning".

MAPC Meeting

Selectman Frost reported that at an MAPC meeting he recently attended the Lincoln Selectmen Chairman gave him a copy of a bill he is filing to create a process for inter-town review of major developments along the boundaries of communities. (The bill is based on the Vermont statute with modifications.) The bill would authorize, by a 2/3 vote of their member communities, to establish themselves at a district environmental commission for the purposes of approving, denying, or modifying proposed development.

Selectman Frost stated he would be drastically opposed to such a bill and directed Mr. Thompson to keep the Selectmen informed of any action on the same.

Arthur O'Shea

Executive Secretary Richard E. Thompson reported the passing of Arthur O'Shea, retired Executive Secretary (26 years) for the Brookline Board of Selectmen and commonly referred to as the Dean of Massachusetts Municipal Administration. Mr. Thompson stated he will be attending the funeral.

Article 1 - 85ATM Honorary Speaker

Mr. Thompson noted that former Town Moderator, J. Owen Todd, had accepted the honorary position of reading Article 1 at the 85ATM.

There being no further business to come before the Board, the meeting was adjourned at 9:45 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk