

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 4, 1985

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

The statutory requirement as to notice having been fulfilled, the meeting was called to order at 7 30 p.m. by Chairman Fox.

Appointment/Board of Appeals Associates & Earth Removal Board

Following a brief discussion and in accordance with a recommendation from both the Chairman of the Board of Appeals, dated October 31, and verbally from the Chairman of the Earth Removal Board on the basis that the appointment of Mr. Jacobson would bring more needed expertise to the Board than the other candidate because of his environmental engineering background, it was on motion by Selectman Frost unanimously

VOTED : To appoint Jeffrey H. Jacobson, 36 Maple Avenue, Board of Appeals Associate and member of the Earth Removal Board, replacing Eben Stevens, for a term to expire April 30, 1986.

Study of Solid Waste Disposal Alternative

Following a brief explanation by the Executive Secretary and on his recommendation it was on motion by Selectman Frost unanimously

VOTED : To enthusiastically support a cooperative effort to study solid waste disposal alternatives for a transfer situation method of processing and disposal, as requested in a communication dated October 25, 1985, from the Transfer Site Selection Committee of the Town of Stow.

Middlesex County Advisory Board Meeting

The Board acknowledged receipt of a communication dated October 29, 1985, from the Middlesex County Advisory Board Coordinator relative to a meeting to be held November 6, at 7: 30 p.m., in Concord.

Selectman Donald asked for confirmation that the Board still supported the assumption of the county correctional facilities by the Commonwealth and the Board responded in the affirmative.

Selectman Donald will attend this meeting.

Minutes

It was on motion

VOTED : To approve the minutes of the Regular Session of October 28, 1985, as drafted, and the Town Fathers Forum of said date, as corrected.

(Chairman Donald abstained as she was not present at the October 28th meeting.)

Appointment/Labor Relations Counsel, 85-86 Bargaining Year

On recommendation by the Executive Secretary Richard E. Thompson it was on motion by Selectman Frost unanimously

VOTED: To appoint Murphy, Lamere and Murphy as Labor Relations firm for the FY85-86 bargaining year, subject to the Executive Secretary's approval of the Counsel assigned for each bargaining unit.

Chairman Fox directed Mr. Thompson to inquire about the use of an indemnification clause in union contracts which would assure that legal fees would be paid by the union on any union issues not really involving the Town but requiring representation, for example, by the Town's bargaining agent.

Dudley Square - Harris & Paul Sandler, 615 Boston Post Road (SP84-280)

With regard to recent concerns from abutters relative to compliance to site plan conditions on the above-referenced site plan, with particular concern of traffic because of a bank teller drive-up window in the rear of the complex, Town Counsel Paul L. Kenny stated the following :

- Assistant Town Counsel James Dyrek and Building Inspector Joseph E. Scammon visited the site and determined that there is adequate room for this activity behind the building, that there is a two-lane drive in the area of the drive-up window;

- When the site plan was brought before the Selectmen there was no knowledge of what businesses would occupy the building and the Selectmen's approval was granted based on allowed uses for that district; under those circumstances a bank drive-up teller window is allowed at that location;

- It would not be appropriate to request the owner to come back for modification of the site plan; if there had been, for example, affirmative representation on this issue contrary to what is taking place and the same was recorded in the minutes, a modified site plan would be required.

Selectman Donald felt that the banking hours, from 9:00 a.m. to 4:00 p.m. daily, would not be objectionable to abutting neighbors; Mr. Thompson added that the bank will not be open on Saturdays.

There was some discussion regarding how the Selectmen can address all the allowed uses in various districts on future site plans, particularly if there is some concern about a drive-up teller window and related traffic, so that a situation such as this can be avoided in the future.

Town Counsel indicated that it is difficult for the Selectmen to consider every allowed use each time a site plan comes before them; that it would be more advantageous to be forewarned of the anticipated use(s) whenever possible.

Selectman Fox suggested that this be added to the general list of things to consider for decisions for site plans.

Later, when Building Inspector Joseph E. Scammon was present, Town Counsel again explained his position. Relative to compliance to conditions with regard to trees and lights, Mr. Scammon stated these problems have been resolved, in that the trees have been planted and Boston Edison has made a commitment to install shields on the lights, and he had an "as-built" plan. The Certificate of Occupancy should be issued inasmuch as the site plan conditions have been met.

Massachusetts Interlocal Insurance Association

Selectman Frost called the Board's attention to a Certificate of Achievement, 1984-85, from the MIIA in recognition of an excellent safety year with minimal property and liability loss, received at the recent Massachusetts Municipal Association Conference. Selectman Frost said that the awards were given in categories according to population and that Sudbury was the only Town in its population category to receive an award.

Chairman Fox directed the Executive Secretary to prepare a press release informing the Townspeople of this achievement and the Selectmen's attendance at the MMA Annual Meeting.

New Sign/Senior Citizen Drop-In Center

Selectman Frost stated it had come to his attention that Jim Punch had generously donated a new sign to the Senior Citizen Drop-In Center and it was on motion by Selectman Frost unanimously

VOTED: To direct the Executive Secretary to forward a letter on behalf of the Selectmen to Mr. Jim Punch thanking him for his interest in the senior citizens and his donation of a new sign for the Senior Citizen Drop-In Center.

Telephone Cable Installation

Selectman Frost referenced receipt of an October 31 communication from Fire Chief Michael Dunne relative to the installation of a telephone cable between the Flynn and Nixon buildings by Cabling Systems, Inc., as discussed by the Board on October 28, and the Selectmen concurred with the Chief's recommendation for the installation to be separate from the fire alarm cable.

Bills Payable Authorization

In accordance with a request to the Town Accountant from Fire Chief Michael Dunne, dated October 30, 1985, it was on motion by Selectman Donald unanimously

VOTED: To concur with the Fire Chief's action to authorize Captain Gerald Spiller to sign bill invoices during the Chief's absence, November 3-11.

Regional Planning Study

The Board acknowledged receipt of a communication dated October 30, 1985, from the Metropolitan Area Planning Council Executive Director Alexander V. Zaleski relative to the Minuteman Advisory Group for Interlocal Coordination

asking that the Chairman of the Selectmen sign a letter soliciting private funds to augment the cost of a study on regional planning issues.

Chairman Fox stated he has a problem with signing the letter because he felt it would create undue pressure on those businesses solicited. He, therefore, declined to sign and directed the Executive Secretary to write a letter or call Mr. Zaleski explaining his feeling while, at the same time, stating the Selectmen's strong position that this group should be funded (from the State) in the same manner as MetroWest and that the State should give them the same priority.

Mr. Thompson stated he would send a copy to Representative Lucile Hicks and Representative A. Paul Celluci.

Budget Meeting

The Board rescheduled the budget review meeting from Saturday, November 30, to Saturday, November 23, at the Loring Parsonage at 9 00 a.m.

Sudbury Water District/New Water Tank

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

VOTED: To recommend to the Building Inspector that he waive the building permit fee, approximately \$2000, for the installation of the new water tank by the Sudbury Water District, in accordance with Article XV, Section 1, of the Building Code, which states that no fee shall be charged for the issuance of any building permit to the town or for work upon any building owned by the town.

Middlesex County Selectmen's Association Meeting

Selectman Donald will attend the MCSA Annual Meeting on November 12 at Sheraton Boxboro (Selectman Fox cannot attend; Selectman Frost will let Mr. Thompson know). Mr. Thompson stated he would make the reservation(s) accordingly.

Local Chamber of Commerce Meeting

The Board noted a Chamber of Commerce meeting to be held in Sudbury, Wednesday, November 6, at 5 00 p.m. Mr. Thompson stated that Route 20 will be a topic of discussion.

Fair Labor Standards Act

Executive Secretary Richard E. Thompson stated the FLSA law had been amended and was supposed to have been signed by the President last Friday; the amendments would drastically lessen the blow to local government as far as cost is concerned. Mr. Thompson expressed his opinion that this piece of legislation has extraordinary ramifications for every city and town nationwide.

Invitation/Minuteman Technical School

The Board was in receipt of an invitation to Minuteman Technical School Open House, Wednesday, November 6, from 7 00-9 00 p.m. The Board was unable to attend because of various conflicts with other meetings on that date.

Joint Meeting DEQE/Water District

The Board was in receipt of information from Planning Administrator Lee Newman relative to the joint meeting of the DEQE and the Sudbury Water District on October 24, as follows:

- The DEQE explained the low points given to Water District applications for funding were due to: lack of plans for aquifer protection: zoning regulations, hazardous waste bylaw, land acquisition program; and opinion of DEQE that Raymond Road well site is a questionable area to protect, since it is likely to become contaminated. They tend to support such projects for more pristine areas.

- Ms. Newman made note that Dr. Chiang expressed his opinion that the Mott Study was adequate - reiterating this upon second questioning, stating there were no glaring errors in the identification of aquifers.

- Also, Dr. Chiang said the Town should delineate the Raymond Road and Pratt's Mill Road aquifer areas this year.

Selectman Frost reiterated his concern, as expressed at the October 23 Town Fathers Forum that too much of the Town's water supply is in one aquifer area in case of catastrophe, and suggested that, in place of the #9 well on Raymond Road, the District should consider another well on the East Street site (off Pratt's Mill) instead.

Selectman Donald questioned what is meant by the Town "delineating" the Raymond Road and Pratt's Mill Road aquifer areas this year - who is supposed to take what steps next?

The Board directed Mr. Thompson to contact the Executive Secretary of the Sudbury Water District, Winthrop Fairbank, and report back to the Board.

Street Acceptance/86ATM

With regard to an October 30 communication from the Town Engineer listing streets that the Highway Surveyor and he felt could be submitted for acceptance as public ways at the 86ATM, Chairman Fox directed Mr. Thompson to confirm what the additional costs to the Town would be for maintaining paving, etc., before the Selectmen recommend these streets for acceptance at the 86ATM.

Site Plan 85-294/D & D Realty Trust, 407 Boston Post Road

Present: Building Inspector Joseph E. Scammon; owner Edward Davis and Manager Sue Sirota, Dallamora Realtors; and abutter Frank Vana.

In accordance with Art. IX, section V, paragraph A of the Sudbury Bylaws, the Board considered Site Plan 85-294 of D & D Realty Trust (Dallamora Realtors) for property located at 407 Boston Post Road, Residential Zone A-1, to enclose the existing screen porch and add a second story over the porch and existing office.

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 Building Inspector dated October 30, 1985, recommending approval and explaining the proposed changes to the existing building and noting that the Board of Appeals had already granted a special permit in order for the owner to alter and enlarge his existing non-conforming building; also, that the existing parking lot with eleven spaces satisfies the bylaw and no changes are contemplated;

- from the Town Engineer dated October 15 recommending approval subject to any necessary variances or special permits from the Zoning Board of Appeals and approval by the Board of Health for the expanded use of the septic system;

- from the Planning Board dated October 23 recommending approval subject to 1) the applicant providing additional landscaping on all sides of the building visible from the roads to provide visual relief from the building, to be done (on the Route 20 side) in consideration of the future widening of Route 20, and 2) a variance or special permit from the Zoning Board of Appeals;

- from the Board of Health dated October 17 recommending approval;

- from the Fire Chief dated October 11 offering no objections; and

- a verbal report from the Conservation Coordinator on October 31 indicating no concern as there are no wetlands involved.

Ms. Sue Sirota, Manager of Dallamora Realtors, stated her understanding that the State Route 20 widening project would reduce the size of their front yard so that it could become necessary to move their front entrance to the parking side of the building. She questioned if this change sometime in the future would necessitate her coming back with another site plan.

Mr. Thompson stated that the Route 20 widening plans were available in the Engineering office and he felt she would find that she would not be losing as much of her front yard as she may think. He suggested that she come in and look at the plans.

Ms. Sirota stated that she just wanted to make sure this would not be a problem if they were forced to consider this change.

Chairman Fox stated it did not appear to be a problem.

Responding to Chairman Fox, Ms. Sirota stated that the exterior of the building would be clapboard siding in a soft color, maybe grey or tan.

Responding to Selectman Donald, Ms. Sirota stated that the expansion was not to make room for more people but to make more comfortable office space for the present staff.

Selectman Donald stated that it would be necessary for Dallamora Realtors to submit an "as-built" plan if the change she mentioned regarding the front entrance came to fruition.

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

VOTED: To approve Site Plan Application #85-294 of D & D Realty Trust (Dallamora Realtors), for property located at 407 Boston Post Road, as shown on a plan entitled, "Site Plan in Sudbury, Mass", dated August 14, 1985, 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) any necessary variances or permits from the Zoning Board of Appeals and approval by the Board of Health for the expanded use of the septic system, as recommended by the Town Engineer, October 15, 1985;

2) that additional landscaping around the building be provided on the Boston Post Road side of the building and in other areas visible from the street; said landscaping to be done in consideration of the future widening of Route 20, as recommended by the Planning Administrator, October 23, 1985;

3) an Order of Conditions under the Wetlands Protection Act by the Conservation Commission, if applicable;

4) approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer;

5) the grant of an earth removal permit by the Earth Removal Board, if applicable;

6) approval of signs or advertising devices as required under the sign bylaw;

7) 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;

8) exterior lighting to be directed away from adjacent residences and have shields;

9) 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;

Note: Chairman Fox asked the applicant to check with the Sudbury Water District and the Board of Health regarding drainage and the use of salt as those boards share concerns of contamination of the aquifer area in this section of Town due to the use of salt on and along Route 20.

10) 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; and

11) no building permit or occupancy permit shall be issued until all items except #10, noted above, are complied with.

The Selectmen signed the plan with the understanding that there may be a change with regard to the front entrance sometime in the future, as discussed above.

Site Plan 85-293/Chiswick Trading Company, 490 Boston Post Road

In accordance with a communication from the applicant dated November 1, 1985, it was on motion unanimously

VOTED: To continue by mutual consent to December 16, 1985, at 8 00 p.m., Site Plan 85-293 application of Chiswick Trading Company, owned by Paris Realty Trust, for property located at 490 Boston Post Road.

There being no further business to come before the Board, the meeting was adjourned at 8 45 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk