

IN BOARD OF SELECTMEN
WEDNESDAY, NOVEMBER 13, 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 5 30 p.m. in the Flynn Building by Chairman Fox.

Common Victualler & Weekday Entertainment/Alden Merrell, 447 Boston Post Road

Present: Preston Reed, Alden Merrell Corp.

Chairman Fox convened a public hearing in consideration of an application of the Alden Merrell Corp., d/b/a Alden Merrell Cheesecake Company, for a Common Victualler License and a Weekday Entertainment License, to be exercised at 447 Boston Post Road.

Executive Secretary Richard E. Thompson noted for the record that, in terms of the common victualler license issuing, the Building Inspector, the Health Director and the Fire Chief had been contacted and all indicated no concern.

On behalf of the Alden Merrell Corp., Mr. Preston Reed was present and requested permission for three tables and six chairs on the premises as shown on a sketch he had provided.

Following a brief discussion, it was on motion unanimously

VOTED: To approve the application of the Alden Merrell Corp., d/b/a Alden Merrell Cheesecake Company, for a Common Victualler License and a Weekday Entertainment License (taped background music) to be exercised at 447 Boston Post Road during the hours of Monday through Saturday, 9:00 a.m. to 9:00 p.m., and Sunday, noon to 5:00 p.m.

Health Insurance

The Board noted receipt of a communication received October 30, 1985, from Shirley Green, Chairperson of the Employees Insurance Advisory Committee, indicating that the Committee unanimously voted against changing from the present Blue Cross/Blue Shield Master Medical plan to the Blue Cross/Blue Shield Master Health Plus plan.

Upon suggestion by Selectman Donald, the Board directed the Executive Secretary to contact Ms. Green and request an explanation and reason(s) for the Committee's decision.

Brimstone Lane

The Board acknowledged a communication dated November 1, 1985, from residents of Brimstone Lane expressing concerns relative to a proposed single-family housing development in Framingham to be accessed via Brimstone Lane in Sudbury. The Executive Secretary noted that the Town Engineer had

obtained a copy of the subdivision plan entitled "Preliminary Plan Brimstone Estates", dated October 31, 1985, and that it was brought this evening for viewing by the Board. The Board reviewed the plan.

Chairman Fox commented that the Board had previously expressed some concern and directed the Town Engineer, as their agent and as agent for the Planning Board, to attend the preliminary hearing in Framingham; Chairman Fox requested further that all the residents of Brimstone Lane be notified of the same so that they may have the option of attending and expressing their views. Additionally, Chairman Fox directed that the Sudbury Planning Board be notified of this hearing, and if any additional meeting is held, i.e., a joint meeting of both Planning Boards, as mentioned in tonight's issue of The Middlesex News, that both the Town Engineer and the residents of Brimstone Lane be notified of the same.

Mr. Thompson noted receipt of two letters expressing concern regarding the proposed development with direct access to Brimstone Lane from Linda Bolton, 161 Pantry Road; and from Mrs. Richard B. Hirsch, 12 Peakham Circle; a telephone inquiry was also received from Mrs. Dainiak, 26 Brimstone Lane.

Selectman Donald stated that she will bring this up at the MetroWest meeting on Wednesday, November 20, at 7 30 p.m. in Natick.

Hawkers & Pedlers License/Annemarie P. Maley

Executive Secretary Richard E. Thompson noted for the record that a communication had been received today in the office, dated November 13, 1985, from the applicant stating she would be unable to attend this evening and explaining that she understood the local bylaws governing a Hawkercs & Pedlers License and that she had received permission for the use of the property from the property owner (Sudbury Bowladrome).

It was on motion by Selectman Donald unanimously

VOTED: To approve an application dated November 6, 1985, from Annemarie P. Maley of Wayland for a Hawkercs & Pedlers License to sell cut flowers from the parking lot of the Sudbury Bowladrome, 136 Boston Post Road, from 8 00 a.m. to 1 00 p.m. on Thanksgiving Day, November 28, 1985, one day only, subject to Town Counsel determining the appropriateness of such action.

The Chairman stated that the Selectmen would not support an extension of this license for additional days in the near future; the Board did not want to set a precedent or give the impression that they would authorize the license on an on-going basis.

Planning Grant/MAGIC

In accordance with a communication dated November 1, 1985, from Alexander V. Zaleski, MAPC Executive Director, it was on motion unanimously

VOTED: To agree to participate with communities in the Minuteman Advisory Group for Interlocal Coordination (MAGIC) in a joint application for a \$50,000 Strategic Planning grant from the Executive Office of Communities and

Development and, in the event such grant is approved, to agree to actively participate with other applicant communities in the planning and growth management activities under such grant and to extend cooperation and guidance to the Metropolitan Area Planning Council acting as planning consultant for the Minuteman project. The Board authorizes the lead community, to be selected, to submit the joint application on behalf of all participating communities and to enter into an Agreement with MAPC for the provision of professional services under the grant.

Old Lancaster Road

The Board noted receipt of a communication dated November 5, 1985, from the Town Engineer, responding to a letter of June 12, from Col. Paul J. Leahy on the problems of a divided Old Lancaster Road.

Following discussion, it was on motion by Selectman Frost unanimously

VOTED: To request the Highway Surveyor to erect street signs at the intersection of Old Lancaster Road/Green Hill Road and Old Lancaster Road/Concord Road printed as "Old Lancaster Road East, House #1 through 150"; and at the intersection of Old Lancaster Road/Hudson Road and Old Lancaster Road/Concord Road/Union Avenue printed as "Old Lancaster Road West, House #151 through 450", a recommendation of the Town Engineer's.

Lights On For Peace

In accordance with a October 22, 1985, communication from Congressman Les AuCoin on the subject of a "Lights On For Peace" project - the lighting of porchlights, candles, and other lights on November 19 and 20, 1985, from dusk until dawn to demonstrate desire for world peace and a productive summit meeting between the U.S.A. and U.S.S.R., it was on motion by Selectman Donald unanimously

VOTED: To direct the Executive Secretary to prepare a resolution similar to one provided with the above-noted communication indicating the Board's support of the same.

Chairman Fox asked that the local press publicize the same.

Planning Board Vacancy

The Board acknowledged receipt of an October 21 letter to the Planning Board from James G. Hannoosh resigning from said Board and directed the Executive Secretary to respond in the affirmative to a request dated November 7, 1985, from the Planning Board to schedule a joint meeting to interview candidates and elect a member to replace Mr. Hannoosh.

Mr. Thompson was directed to publicize this vacancy and submit all applications to the Board for review prior to the scheduled meeting.

Donation/Council on Aging

It was on motion by Selectman Donald unanimously

VOTED: To accept on behalf of the Town miscellaneous donations in the amount of \$104 to be used for the Council on Aging van.

Minutes

It was on motion by Selectman Fox unanimously

VOTED: To approve the minutes of November 4, 1985, as amended.

Cancel Meeting

It was on motion by Selectman Frost unanimously

VOTED: To cancel the Board's meeting and Town Fathers Forum of December 23rd due to the holidays.

Clergy Meeting

Selectman Donald reported on a clergy meeting she attended earlier today. Some subjects discussed were: changing the name Town Fathers Forum to one more appropriately suited to both sexes, the availability of the Charity Fund, Sudbury's upcoming 350th Anniversary, and the Thanksgiving ecumenical service.

Middlesex County Selectmen's Association

Selectman Donald stated that she and Selectman Frost had attended the MCSA's November 12 meeting and commented that there had been a vote changing the fiscal year of the Association (changed to late Spring from November); dues will be adjusted accordingly.

Middlesex County Advisory Board

Selectman Donald reported that she had completed her term as Clerk of the Middlesex County Advisory Board; her replacement as Clerk is Ms. G. Manalan of Acton; her replacement on the budget committee is Nick Polio of Sudbury. (Selectman Donald remains the official Town member designee to the MCAB.)

Walkways

Selectman Frost brought up the subject of who should and should not use walkways, a subject recently discussed by the Board and referred to Officer William Carroll and Town Counsel for a report. Selectman Frost expressed his views that he would prefer to see joggers restricted to walkways, and, because he did not feel both joggers and horses could use walkways in unison, he felt horses should be prohibited from using walkways. Selectman Frost questioned Town Counsel as to whether this could be enforced by the use of signs. Town Counsel responded that it would have to be done as a bylaw.

Selectman Frost expressed further views that there should be sufficient money budgeted for the maintenance of walkways before any further money is considered for appropriation for new walkways. Chairman Fox commented that there is insufficient money in the maintenance account to keep the walkways properly maintained and this is a fact which should be stated to anyone who calls complaining about the condition of the walkways; it should be pointed

out that, during rainy seasons, brush grows very quickly over the walkways. Chairman Fox stressed the importance of budgeting enough money to maintain the present walkways before any further walkways are built and that, if the Town votes to build more, there is also agreement to appropriate money to maintain them.

Planning Board member Mike Meixsell asked if the Town would consider allowing residents to clear out brush from walkways abutting their property. The Executive Secretary stated that the Town encourages that policy now; Town Counsel added that there is limited liability associated with this practice.

Selectman Frost expressed his opinion that walkways improperly maintained create liability to the Town, and, in terms of joggers using the walkways, it is not only dangerous to have the walkways overgrown but the macadam maintenance of the walkways is a concern as well.

Mr. Meixsell commented that he will bring the liability question to the attention of the Planning Board since it is the Planning Board's practice to require developers to put in walkways in subdivisions.

Route 20 Widening

Chairman Fox announced that the State Department of Public Works has scheduled a public meeting in Sudbury at the Goodnow Library, Wednesday, December 11, at 7 30 p.m. to further explain plans for the Route 20 widening.

Temporary Signs/Violations

As a result of several sign violations along Route 20, Chairman Fox directed the Executive Secretary to notify all building owners on Route 20 and tenants and/or occupants of the buildings by reminding them of the sign bylaw and specifically that the use of temporary signs requires permission from the Building Inspector; also, noting that a copy of the sign bylaw is available upon request. Chairman Fox stated that he would like to see the notification before it is sent out.

The Executive Secretary was directed to bring immediately to the attention of the Building Inspector sign violations at Papa Gino's and Matt Garrett's; the Executive Secretary was further directed to notify the President of the Chamber of Commerce in advance of the above-noted letter going out.

Real Estate Tax Bills

Chairman Fox directed that the Executive Secretary, in conjunction with the Town Accountant and the Tax Collector, issue a press release to the two local newspapers and place an advertisement in the Bentley's Community Calendar advising people of the possibility in calendar year 1986 that there may not be any income tax deduction for real estate taxes allowed and suggesting, with the Town's interest in mind as well, that they may want to pay their full real estate tax bill now rather than in two installments, the second being due in May of 1986.

Parking/L-S Events

Chairman Fox directed the Executive Secretary to contact L-S Principal Brad Sargent with the following recommendations regarding possible ways to handle traffic overflow at various L-S events, especially graduation and the Thanksgiving football game:

- There is a significant impact on the community because of illegal parking. The L-S parking lot cannot accommodate the number of cars at certain events such as the Thanksgiving Day football game (home game every other year) and graduation exercise. Parking on area roads - Lincoln Road, Thompson Drive and Concord Road reduces the width of the road to less than 2-way and emergency vehicles cannot get through. Cars sometimes park on private property (lawns) and in some cases create great hardship because private driveways are blocked. Therefore, consideration should be given to 1) publicizing availability of parking within a short distance at Nixon and Featherland Park and 2) providing a shuttle bus from the Town Hall parking lot.

FY87 Tax Billing

The Board noted receipt of an October 31 communication from the Board of Assessors advising the Selectmen to consider the selection of a more competent and dependable vendor for FY87 tax billing. The Board directed Mr. Thompson to consult with Assistant Assessor Dan Loughlin and Town Accountant James Vanar regarding the same.

Senior Citizen Christmas Party

Relative to an invitation received from Barbara Bortle on behalf of the Council on Aging, dated November 6, 1985, to attend the annual senior citizens Christmas party, Selectman Donald stated she planned to attend and Selectman Frost tentatively planned to attend.

Route 117 Gravel/Stump Brush Dump

Regarding Route 117 Melone property, Mr. Thompson relayed a message from the Town Engineer to the Board that Mr. Merloni had spoken to Bruce Thomas, a principal at Perkins Engineering, and he was not aware of any new plans of Melone for the use of his property but Mr. Thomas will check for him. Mr. Thomas later informed Mr. Merloni that Perkins is requesting a meeting with the Town next week on behalf of Mr. Melone.

First Baptist Church of Sudbury

The Board acknowledged receipt of a communication dated November 8, 1985, from the First Baptist Church of Sudbury relative to denial of a building permit by the Building Inspector because it is the Fire Chief's position that because their building with the proposed addition exceeds 7,500 square feet, the proposed addition will, therefore, require a sprinkler system.

Mr. Thompson stated that Town Counsel is working, in conjunction with the Fire Chief, to resolve the matter.

Executive Session

At 6 30 p.m. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing litigation (Walkers' Farm and Wayside Package Store) where open discussion of the same may have a detrimental affect.

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

Chairman Fox announced 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 8 00 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk