

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 25, 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.

Utility Petitions

Present: Joseph D. Bausk, New England Telephone and Telegraph Company.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered utility petitions of 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 ways of the Town:

UP85-26 - Dudley Road - On the southerly side, approximately 50 feet southeasterly of Woodland Road, beginning at existing Pole #62/7 and continuing easterly 53 feet to private property - conduit; and

UP85-27 - Woodside Road - On the easterly side, beginning at existing Pole #12/32, and continuing westerly across roadway approximately 21 feet to private property - conduit.

Executive Secretary Richard E. Thompson noted that all appropriate abutters and Town officials had been notified and that a communication, dated November 22, 1985, recommending approval, had been received jointly from the Building and Wiring Inspectors.

It was on motion by Selectman Donald unanimously

VOTED: To approve Utility Petition 85-26 and 85-27, as described above, and as shown on plans both entitled: "Plan For Proposed Conduit Location To Accompany Petition Of New England Telephone and Telegraph Company", numbered and dated #929075, November 4, and #929028, November 1, 1985, respectively.

Annual License Renewals

On the question of renewing annual licenses issued by the Selectmen, Executive Secretary Richard E. Thompson stated that the appropriate Town officials/boards had been requested to submit inspection reports; he noted receipt of a November 22 communication from Fire Chief Michael Dunne citing four licensed establishments with violations and a verbal report from the Building Inspector stating minor violations at three establishments; that the Board of Health had not yet submitted a report.

Chairman Fox directed Mr. Thompson to also request a report from the Police Chief regarding all establishments licensed to serve and/or sell alcoholic beverages.

The Board reviewed four minor changes in time on various entertainment licenses and two major changes, also with regard to entertainment licenses - Matt Garrett's for an extension of time, 11 00 a.m. start instead of 8 00 p.m. start, and 99 West for the addition of a disc jockey. The Board was not in favor of the latter without notifying abutters and holding a public hearing, and the Executive Secretary was directed to so notify the manager of 99 West.

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

VOTED : To renew the following licenses (which expire December 31, 1985) and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission, where applicable; said licenses shall be held until payment of the required fees and compliance relative to any/all outstanding health, safety or zoning violations set forth by the Fire and Police Chiefs, the Building Inspector and the Board of Health; said licenses shall also be subject to all previous restrictions :

Colonial Spirits 474 Boston Post Road	AA Package
MacKinnon's Liquors 5 Concord Road	AA Package
Sudbury Farms 439 Boston Post Road	W&M Package
Old Wines De' La France 410 Boston Post Road	W&M Package
Ephraim's Restaurant 8 Village Green	AA Restaurant Common Victualler Entertainment
Matt Garrett's of Sudbury, Inc. 120 Boston Post Road	AA Restaurant Common Victualler (hrs. restricted) Entertainment
Tom Shea's 394 Boston Post Road	AA Restaurant Common Victualler Entertainment

99 West, Inc.
694-8 Boston Post Road

AA Restaurant
Common Victualler
Entertainment

Philip's Pizza
447 Boston Post Road

AA Restaurant
Common Victualler
Entertainment

Wayside Inn
72 Wayside Inn Road

AA Restaurant
Common Victualler/Innkeeper
Entertainment

Ye Olde 117 House
470 North Road

AA Restaurant
Common Victualler
Entertainment

Bullfinch's, Inc.
730 Boston Post Road

AA Restaurant
Common Victualler
Entertainment

Something Simple
385 Boston Post Road

W&M Restaurant
Common Victualler (hrs. restricted)
Entertainment

Papa Gino's
120 Boston Post Road

W&M Restaurant
Common Victualler
Entertainment

American Legion #191
676 Boston Post Road

AA Club
Common Victualler
Entertainment
Automatic Amusement Devices

Alden Merrell Cheesecake Co.
447 Boston Post Road

Common Victualler (hrs. restricted)
Entertainment

Bagel Baker, The
621C Boston Post Road

Common Victualler

Coach House Inn
738 Boston Post Road

CV/Innkeeper (hrs. restricted)
Entertainment

Friendly's
457 Boston Post Road

Common Victualler
Entertainment

Marrone's Bake Shop
418 Boston Post Road

Common Victualler

Sudbury Pizza
426 Boston Post Road

Common Victualler

Sudbury Bowladrome
136 Boston Post Road

Automatic Amusement Devices

Colonial Auto Body of Sudbury
430 Boston Post Road

Used Car Class II

Steve's Auto Body
40 Station Road

Used Car Class II

Automotive Diagnostic Center
100 Boston Post Road

Used Car Class II

Mosher Auto Body
34 Station Road

Used Car Class III

Robert E. Lohnes
27 Montague St.

Used Car Class III
(Restricted to transport;
no storage)

Mitchell Bistany Auctioneer
21 Old Meadow Road

J. David Coccoli Auctioneer
22 Hadley Road

Perambulation of Town Bounds

It was on motion by Selectman Frost unanimously

VOTED: To accept a communication dated November 15, 1985, from the Town Engineer setting forth the results of the Engineering Department's perambulation of Town bounds; those not found or found to be in poor condition were five bounds on the Sudbury-Wayland Town lines, bounds #2,3,4,19 & 29; and to direct the Executive Secretary to forward said communication to the adjacent communities.

Borrowing/Sherman's Bridge

Present: Town Treasurer Chester Hamilton.

Pursuant to the 84ATM vote under Article 11 for the design of Sherman's Bridge on Lincoln Road, the Town Treasurer requested authorization to borrow \$28,100, explaining that under C.44, s.6A, the Town is authorized to borrow only the same amount for which the State has agreed to reimburse the Town for the engineering and design work for Sherman's Bridge. Mr. Hamilton stated that the total bid for the project was \$56,200 to be divided between the Towns of Wayland and Sudbury; Sudbury's share is \$28,100.

It was on motion by Selectman Donald unanimously

VOTED: To authorize the Town Treasurer to borrow \$28,100 under C.44,s.6A, for engineering and design work for Sherman's Bridge, Lincoln Road.

Mr. Hamilton stated that he would submit the notes for signing at the Selectmen's meeting next Monday.

Selectmen's Article Submission

The Board reviewed a list of articles for submission by the Board for the 86ATM, which also indicated articles to be submitted by the Planning Board, the Personnel Board, and the Town Engineer.

Town Counsel Paul L. Kenny stated that the reason an article had been drafted to amend the Earth Removal Bylaw was because the Bylaw was being interpreted incorrectly. However, he, the Building Inspector and the Town Engineer, have legally interpreted the current Bylaw to mean that a permit for the removal of loam for a home in a residential district is not necessary for the amount of earth displaced for the foundation and driveway, etc., below the finished grade; any additional removal does requires a permit. Mr. Kenny expressed his opinion that the Bylaw is adequate as written, and, should the Town feel a change to that interpretation is necessary, an article could then

be drafted to reflect the change(s). Therefore, Mr. Kenny recommended not submitting an article amending the Earth Removal Bylaw at this time.

Chairman Fox directed that a copy of Mr. Kenny's above interpretation of Section 4 of the Earth Removal Bylaw, to be enforced by the Earth Removal Board and the Building Inspector, be forwarded to the Chairman of the Earth Removal Board for any possible concerns.

Relative to the article being submitted by the Town Engineer dealing with the reconstruction of the Sudbury Centre intersection, Chairman Fox asked Mr. Thompson to request cost estimates from the Town Engineer.

Relative to the the Street Acceptances article, Selectman Donald directed Mr. Thompson to consult with the Highway Surveyor regarding increases in the Highway budget for on-going costs of maintaining these road once accepted.

Executive Secretary Richard E. Thompson noted receipt of a communication, dated and received November 25, 1985, from the Planning Administrator enclosing draft copies of three zoning bylaw amendment articles for the 86ATM - Section V. Special Regulations (Site Plan Rules and Regulations), Design Review Board (formation of), and Parking Standards (Section IX,V,A,7). The Board agreed to review and discuss these proposed articles.

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

VOTED : To accept the following articles for submission by the Board for the 86ATM and to approve reports for the same with minor corrections by Selectman Donald :

Street Acceptances
Hear Reports
Temporary Borrowing
Accept Ch. 293 of the Acts of 1985 - Liens : Septage Billings
Sudbury 350th Anniversary Celebration Fund
Accept G.L.ch. 40, sec. 4H - Bid Law Exemption
Regional Solid Waste Disposal Study
Stabilization Fund
Use of Free Cash

Town Fathers Forum

At 8 00 p.m. Chairman Fox convened the 164th Session of the Town Fathers Forum a copy of which is attached and made part of these minutes.

Chairman Fox recessed the meeting for coffee and conversation.

Proposed Legislation/Subdivision Control Law

The Board noted receipt of a memorandum from Virginia Welles, MetroWest Planning Office, dated November 20, 1985, enclosing a November 1, 1985, communication from the Metropolitan Area Planning Council (MAPC) giving notice

of intent, and requesting feedback, on its proposed changes to the Subdivision Control Law (Ss. 81-K through 81-GG of Chapter 41), specifically:

- 1) Extending the time for action on "major developments" from 60 to 90 days or longer.
- 2) Making the submittal of a preliminary subdivision plan for major developments mandatory, rather than optional with the developer.
- 3) As an alternative to 1., providing for review and approval of major developments through the special permit and site plan review process.

After a lengthy discussion, the Board supported the three objectives and the corresponding proposed acts, and supported the concept of this legislation being filed by title only and the text refined and agreed upon in the coming weeks in order to meet the filing deadline. Accordingly, the Board directed the Executive Secretary to reply to Ms. Welles, as requested no later than December 9, 1985.

It was on motion by Selectman Donald unanimously

VOTED: To sign the proposed acts, as presented in the above-noted November 1 communication from the MAPC, as agreed above.

Waive Site Plan Scale Requirement/MacNeill, 102 Dutton Road

It was on motion by Selectman Donald unanimously

VOTED: To grant permission to Eva H. and Arden B. MacNeill, Jr., to submit a site plan using a scale of 1"=40' for property located at 102 Dutton Road to become the Carding Mill Children's Center.

Renew Sunday Entertainment License/Ephraim's Restaurant

It was on motion by Selectman Frost unanimously

VOTED: To renew a License for Public Entertainment on Sunday for Ephraim's Restaurant, 8 Village Green, to allow performance of three musicians from 12 00 noon to 12 00 midnight, December 29, 1985, through December 21, 1986, subject to receipt of the required fee.

Raytheon Communication/Route 20 Widening

The Board noted receipt of a communication dated November 20, 1985, from H. F. Sweitzer, Jr., Manager, Raytheon Company, confirming agreement between the Town and Raytheon to implement traffic mitigation measures of Raytheon's site plan 84-282 approval on October 24, 1984.

Responding to Chairman Fox, Mr. Thompson stated that Town Counsel had participated and concurred in the consensus stated in the above-noted communication.

On recommendation of Chairman Fox, it was on motion by Selectman Donald unanimously

VOTED : To direct the Executive Secretary to confirm in writing the Board's confirmation of receipt of the information contained in the above-noted communication from Mr. Sweitzer; likewise, to advise of the Town's intention to proceed to go out to bid, noting the Town reserves its right not to accept any bids.

Minutes

It was on motion by Selectman Fox unanimously

VOTED : To approve the minutes of November 18, 1985, as corrected.

Drainage Easement & Conservation Restriction/Technology Concepts

It was on motion by Selectman Donald unanimously

VOTED : To accept a drainage easement and approve receipt of a conservation restriction from Stuart Wecker, Trustee of S & W Realty Trust of Sudbury, as shown on Definitive Subdivision Plan of "Concepts Park" Sudbury, dated October 25, 1985, drawn by Colburn Engineering, Inc., (property located off Tall Pines Drive, formerly known as Codjer Lane).

Executive Secretary Richard E. Thompson noted for the record that Mr. Henley had appeared tonight and stated that the Conservation Commission had voted to approve said conservation restriction.

Sign Violations

Selectman Frost called the Board's attention to sign violations at two business establishments on Route 20 and Union Avenue and directed the Executive Secretary to contact the Building Inspector regarding the same; Chairman Fox stated that the Building Inspector should inform those businesses of the \$100 per day fine which may be assessed for use of illegal signs.

Communication/Commission Against Discrimination

The Board noted receipt of a November 15, 1985, communication from the State Commission Against Discrimination, indicating its "conditional concurrence" on November 6 with funding of the Town's grant application to Secretary James S. Hoyte of the Executive Office of Environmental Affairs, and setting forth several programs which need to be developed as part of the Town's Affirmative Action Plan and Affirmative Fair Housing Plan.

Auctioneer License

In accordance with a request from the fundraising chairperson of the Sudbury Co-operative Pre-School, dated November 15, 1985, it was on motion by Selectman Fox unanimously

VOTED : To ratify the approval by the Executive Secretary of an auction held by the Sudbury Co-operative Preschool at the Memorial Congregational Church, November 23, 1985, at 7 30 p.m.

Brimstone Lane

It was noted that the Planning Boards of the Towns of Framingham and Sudbury will hold a joint public meeting in Framingham on the proposed subdivision off Brimstone Lane, Sudbury, Tuesday, December 10, at 8 00 p.m.

Selectmen Fox and Frost are unable to attend; Selectman Donald tentatively plans to attend.

State Hearing/Route 20 Widening

The Board acknowledged receipt of a November 15, 1985, communication from the State Department of Public Works, scheduling a public informational meeting on the State Route 20 widening project, to be held at the Goodnow Library, December 11, at 7 30 p.m.

Executive Session

At 10:00 p.m. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing the Charity Fund.

(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 10:15 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk