

IN BOARD OF SELECTMEN
WEDNESDAY, OCTOBER 16, 1985

Present: Chairman Myron J. Fox and Josiah F. Frost.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 5 30 p.m. by Chairman Fox.

Interview - Board of Appeals Associates/Earth Removal Board

Present: Candidate Jeff Jacobson; Earth Removal Board Chairman Geraldine Nogelo.

The Board met with Mr. Jeff Jacobson who had expressed interest in serving as a Board of Appeals Associate and member of the Earth Removal Board by forwarding his application, dated October 6, 1985, in response to advertisement for candidates in Bentley's Calendar.

Earth Removal Board Chairman Geraldine Nogelo voiced her concerns relative to the appointment under consideration based on two factors: 1) the perception by the Board of Appeals and the Earth Removal Board of the need for an Earth Removal Board member with a legal background, and 2) with the normal attrition of Board of Appeals members who are replaced by Board of Appeals Associates, the Board at some future time may not have a member with the legal expertise perceived as necessary by that Board if there is not an attorney serving at that time as a Board of Appeals Associate. Mrs. Nogelo stated that the present Earth Removal Board consists of two educators, a nurse, and a business person. She further stated that the Board had met on three occasions over the summer months and that, since more contractors are now aware of the permit requirements for earth removal, the Board will be more active.

Both Mrs. Nogelo and Mr. Jacobson expressed the desire to arrange an interview with both the Board of Appeals and Earth Removal Board, affording him the same opportunity as the other candidate for the position.

Therefore, in order to provide adequate time for Mr. Jacobson to be interviewed by the respective boards and in order to afford Selectman Donald opportunity to voice her opinion in so important a matter, Chairman Fox announced that, in accordance with the Board's policy of making appointments with the full Board present, the appointment would be made at the November 4 meeting unless a further postponement was requested. Chairman Fox requested that recommendations be forwarded by both Boards to the Selectmen after completion of the Jacobson interview.

1986 Massachusetts Municipal Association (MMA) Legislative Proposals

The Board discussed its positions relative to the "Draft : MMA Business Meeting Agenda, Including 1986 Legislative Package" as published in the October 1985 issue of The Beacon.

Executive Secretary Richard E. Thompson stated that Selectman Frost had been previously designated by the Board as Sudbury's voting delegate to the MMA Annual Meeting on October 25-26, but that if the Chairman himself must designate

the delegate, as noted in The Beacon, he would prepare a letter for Chairman Fox to sign.

Positions were taken on three categories of agenda items: A) MMA Legislative Policy Package, B) Legislative Package Submitted by the Members, and C) Resolutions. On items where no position was taken because of the absence of adequate information, Selectman Frost was advised to use his discretion in voting a position based on the information presented at the Annual Meeting. Positions noted are attached hereto and made a part of these minutes.

Accept Donations - Council on Aging

It was on motion unanimously

VOTED: To accept, on behalf of the Council on Aging, miscellaneous donations in the amount of \$88.55 to be used for the van transportation program.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Town Fathers Forum of September 23, 1985, as presented, and the minutes of the Board's regular session of October 7, 1985, as amended.

Utility Petition 85-24 - Boston Post Road

In conformity with G.L.c.166, §21 and 22, the Board considered UP85-24 of New England Telephone and Telegraph Company for a grant of location for conduit to be installed in the Boston Post Road to increase electric service to Raytheon Company. The Board noted that Board approval had already been granted on September 18, 1985, on petition of Boston Edison Company.

Therefore, it was on motion by Selectman Frost unanimously

VOTED: To approve UP85-24 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 way of the Town in accordance with "Plan for Proposed Conduit Location to Accompany Petition of New England Telephone and Telegraph Company", dated October 4, 1985:

Boston Post Road - northeasterly approximately 295 feet
southeast of Highland Avenue a distance of about 15 feet -
conduit.

Emergency Utility Petition/Lot 129, 5 Hunt Road

Present: Contractor Peter A. Albee.

In accordance with a request from Contractor Peter A. Albee and written approval from the four abutters, following a brief discussion, it was on motion unanimously

VOTED: To grant approval to Boston Edison Company and New England Telephone and Telegraph Company to proceed immediately, in advance of receipt of petitions and public hearings, to install approximately five feet of conduit with wires and cables therein in the public way from Pole 302/12 to provide electric service for a new home being built by Peter A. Albee on Lot 129, 5 Hunt Road, as an emergency measure in order that construction can go forward.

86ATM - Proposed Articles/Budget Discussion

Relative to the impact on employees' and Town's health insurance budgets for the Blue Cross/Blue Shield Master Health Plus plan, currently under discussion as a substitute for the current Master Medical plan, Chairman Fox noted receipt of a chart prepared by the Executive Secretary, dated October 9, 1985, showing savings and numbers of employees currently participating in the Town health insurance program.

In response to questions posed in a previous discussion of a proposed 86ATM article relating to establishing a Design Review Board, Executive Secretary Richard E. Thompson brought to the Board's attention the architectural review process currently operative in the Town: Bylaws, Art. V. Special Regulations, A. Site Plan Approval, as amended in 1984 and 1985; and the Selectmen's Site Plan Rules and Regulations. The Board directed the Executive Secretary to confer with the Planning Administrator on the need for such a Board within the present site plan process.

Mr. Thompson noted relative to the proposed extension of Codjer Lane from the Raytheon parking lot to Union Avenue that, although access to industrial zones through residential zones is prohibited by law [see Harrison v. Building Inspector of Braintree, 350 Mass. 559 (1966)], there are two available methods for accomplishing such access: rezoning, or laying out as a public way. He stated further, in response to Chairman Fox, that the Town's Engineering Department is working on a plan for layout and that representative residents of Codjer Lane east of Union Avenue indicated support of the access proposal as long as the Codjer Lane portion east of Union Avenue is reconstructed to end in a cul-de-sac.

Mill Village Zoning Enforcement

The Board noted receipt of a communication, dated October 3, 1985, received in the Office of the Board of Selectmen on October 8, 1985, from Gary T. Finerty, 28 Maple Avenue, relative to enforcement of the conditions imposed by the Board of Appeals on the Mill Village site and compliance with site plan conditions as voted by the Board of Selectmen.

Also noted was a request from William L. Hall, Mill Village Realty Trust, dated October 10, 1985, for waiver of the speed-bump requirement imposed by

the Board of Selectmen as a condition of site plan approval. Mr. Thompson confirmed, in response to Chairman Fox, that no Certificate of Occupancy has issued or will issue until questions are resolved and that Mill Village abutters would be notified when the discussion of the speed-bump waiver is scheduled by the Board.

It was on motion unanimously

VOTED: To refer Mr. Finnerty's letter to Town Counsel with direction to resolve problems existing under Town control at this site.

Dudley Square

As a point of information Executive Secretary Richard E. Thompson informed the Board that he had been notified by Boston Edison that orders have been placed for installation of box shields on the flood lights which are a problem to the abutters at Dudley Square.

GSA - Excessing of Military Land

Executive Secretary Richard E. Thompson reported that he will be meeting with the Massachusetts Department of Capital Planning and Operations, at his request, on October 23 to discuss the current status of the proposed excessing of Federal military land within Sudbury. Department of Environmental Management Director of Forests and Parks Gilbert Bliss will be present at an internal State staff meeting Friday of this week and will attend the October 23 meeting as well.

Walkways

The topic of walkways was discussed relative to budgeting for maintenance and allowed uses, as it was noted, there are many walkway areas overgrown with vegetation which are in need of cutting back to make them usable.

Executive Secretary Richard E. Thompson was directed to contact Highway Surveyor Robert A. Noyes relative to current maintenance needs and his proposed maintenance budget, noting there are two new walkways to be constructed and consequently maintained.

It was emphasized by Selectman Frost that joggers should be using the walkways rather than expose themselves and others to danger by jogging on the roads. Mr. Thompson reported that the Selectmen's Office was this day in receipt of a letter on this subject from a concerned resident who suggested that the Selectmen determine whether a municipal ordinance to prohibit joggers' use of roadways when walkways are available would be legally feasible and, if so, propose such local control.

The question of the legality of bicycle use of walkways was also noted and will be referred to the Safety Officer and Town Counsel for determination. Mr. Thompson noted that Town Counsel had ruled previously on the use of walkways in a particular location for horseback riding and is researching existing law on the jogging safety issue.

The Selectmen reaffirmed their strong feelings that in the best interest of public safety, joggers should jog on walkways rather than in the road, and asked that the Press help in disseminating this advice to its readership.

Site Plan 85-293/Chiswick Trading, Inc., Boston Post Road

In accordance with Art. IX, section V, paragraph A of the Sudbury Bylaws, the Board considered Site Plan 85-293 of Chiswick Trading, Inc., for property located on the Boston Post Road, for the construction of an office/warehouse building.

Executive Secretary Richard E. Thompson stated that all appropriate abutters and Town officials had been notified; however, since such notification the plans have required revision after consultation with various boards. Since more time is required for board review of the hydrogeological data and plan revision, Mr. Thompson recommended continuation of the site plan hearing and noted that this had been requested by the applicant.

After brief discussion, it was on motion unanimously

VOTED: To continue consideration of SP85-293, Chiswick Trading, Inc., 490 Boston Post Road, LID, owned by Paris Realty Trust, to November 4, 1985, at 8 30 p.m., by mutual consent, as requested by Ted Pasquarello, Paris Realty Trust, by letter dated October 11, 1985.

There being no further business to come before the Board, the meeting was adjourned at 6 30 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk