

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 28, 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 7 30 p.m. by Chairman Fox.

Utility Petition 85-25/Plympton Road

Present : Edward F. Chisholm, Boston Edison.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered joint Utility Petition 85-25 of Boston Edison Company and New England Telephone and Telegraph Company : Plympton Road, southwesterly side approximately 81 feet northwest of Bowen Circle, one pole, one existing JO pole to be removed (work has been completed); also, for permission to lay and maintain underground laterals, cables and wires on the same side of the public way as pole(s), for the purpose of making connections with such poles and single-residence buildings as each of said petitioners may desire for distributing purposes.

It was noted for the record that all appropriate Town officials and abutters had been notified and that a joint favorable communication had been received from the Wiring and Building Inspectors, dated October 24, 1985.

Following a brief explanation by Mr. Edward F. Chisholm of Boston Edison, it was on motion by Selectman Fox unanimously

VOTED: To approve Utility Petition 85-25, as noted above, and as shown on Boston Edison "Plan of Plympton Road - Sudbury Showing proposed pole relocation", dated October 24, 1984.

Appoint Executive Secretary Pro Tem

It was on motion by Selectman Frost unanimously

VOTED: To appoint Janet Silva Executive Secretary Pro Tem for the purposes of this meeting.

Telephone Cable/Permission for Installation

Present: Fire Chief Michael Dunne.

Relative to the proposed installation of telephone cables between the Flynn and Nixon buildings, Fire Chief Michael Dunne stated that he learned from Executive Secretary Richard E. Thompson that Cabling Systems, Inc., wanted to take the fire cable down, put their larger cable up, and give the Fire Department space within their cable for the fire alarm cable because of a question that there may not be enough room on the poles for two cables. The Chief expressed concern regarding his loss of control of the cable and the added concern that ISO (insurance people) could possibly take points off the

Town's insurance rating if the Town did not have full control of the fire alarm system.

Following that explanation, it was on motion by Selectman Frost unanimously

VOTED: To grant permission to Cabling Systems, Inc., a subsidiary of TCM, Inc. (Sudbury's telecommunications agent), to install one, 100-pair telecommunications cable along existing utility poles from the Alan F. Flynn Building, 278 Old Sudbury Road, to the Nixon Building, 472 Concord Road, as requested in a communication dated October 22, 1985, and in accordance with G.L.c.166, s.22, subject to the Fire Chief's approval of the installation.

Fun Run for Arts

It was on motion by Selectman Frost unanimously

VOTED: To grant permission to the Sudbury Community Arts Center, Inc., to conduct its third annual "Fun Run for the Arts" along public ways, on Sunday, November 10, 1985, beginning at approximately noontime, and as further specified in a letter dated October 17, 1985, from the Sudbury Community Arts Center Board, subject to approval by the Police Chief; and to waive any costs for police protection required by the Police Chief.

Proclamation/St. John, New Brunswick, Music Dept.

It was on motion by Selectman Frost unanimously

VOTED: To sign a proclamation jointly with the Sudbury School Department expressing appreciation to the St. John, New Brunswick, Music Department, for an Exchange Concert to be performed at the Lincoln-Sudbury Regional High School on November 2, 1985, in conjunction with the Curtis Middle School Music Department.

Ceremonial Bonfire

In accordance with a communication dated October 24, 1985, from Fire Chief Michael Dunne, it was on motion by Selectman Frost unanimously

VOTED: To authorize the Fire Chief to issue an open burning permit for a ceremonial bonfire on November 27, 1985, at the High School, as requested by the Lincoln-Sudbury Regional High School Department, and in accordance with G.L.c.111, s.142H.

Minutes

It was on motion by Selectman Frost unanimously

VOTED: To approve the minutes of the Regular Session of October 21, 1985, as corrected.

Appointment - Town Report Preparation Committee

In accordance with a request from the Chairman of the Town Report Preparation Committee, Clayton F. Allen, dated October 25, 1985, it was on motion by Selectman Frost unanimously

VOTED : To appoint Elizabeth A. S. Agarwal to the Town Report Preparation Committee for a term to expire April 30, 1986.

MMA Workshops

Selectman Frost commented that he found the workshops he attended at the MMA Annual Meeting this past weekend (October 25-26) in Hyannis to be more informative than in the past.

Chairman Fox commented on information he obtained at one of the workshops regarding the insertion of an indemnification clause in union contracts which would assure that legal fees on cases before the Labor Relations Board would be paid by the union on any union issues not really involving the Town, i.e., agency fees.

Selectman Frost reported on his attendance at a workshop on the Fair Labor Standards Act (FLSA) which may impose significant administrative and monetary problems for Sudbury. Chairman Fox stated that, because of the "Garcia" case interpretation of the FLSA, a tremendous burden has been placed on smaller towns like Sudbury, particularly upon the Police and Fire Departments; the pay schedule mandated by this case will eventually make hiring for special detail very difficult for small cities and towns. Chairman Fox further asked that the Selectmen's office be sure someone attends the November 7 MMA workshop and that a report, including notes from that session and Selectman Frost's notes, be prepared and sent to department heads following input and review by Town Counsel.

Water Pollution Control

Selectman Fox referenced receipt of a communication dated October 20, 1985, from the State Department of Environmental Quality Engineering relative to a program to comply with c.510 of the Acts of 1980, an Act authorizing reimbursement by the Commonwealth to cities, towns and sewerage districts for the annual costs of chemicals for the operation and maintenance of water pollution control facilities and of c.297 of the Acts of 1982, an Act relative to annual reimbursement of the costs of chemicals for the operation and maintenance of certain water pollution control facilities, and asked for clarification as to whether this program is applicable to Sudbury.

Executive Secretary Pro Tem Janet Silva stated that, as noted in the communication, the program permits reimbursement for various costs, one of which relates to sludge and, therefore, she felt it could be applicable to Sudbury. The communication has been referred to appropriate departments and a report will be brought back to the Board.

Town of Hudson/Turner Dog Hearing

The Board acknowledged receipt of a communication dated October 18, 1985, from Executive Assistant, Clayton R. Carlisle, Hudson Board of Selectmen,

regarding the Sudbury Selectmen's recent dog hearing decision to banish a dog from Sudbury, being aware that there was housing available for the dog in the Town of Hudson. Chairman Fox directed that a letter be forwarded to the Town of Hudson responding to the concerns raised and explaining the Selectmen's reasons for their decision and their authority in these matters.

Use of Walkways

Based on recent residents' consternation, Chairman Fox stated that there should be a policy on who should, and who should not, use walkways, i.e., joggers and bikers use walkways, motorbikes should not, and horses - questionable.

Ms. Silva stated that the subject had been referred to Safety Officer William B. Carroll and Town Counsel; however, an opinion may already be on file regarding use of walkways by horseback riders, and that she would report back to the Board on the same; also, there has been some policy established, particularly with regard to the Morse Road walkway, and its use by horses in view of the abutting horse farm there.

Town Fathers Forum

At 8 00 p.m. Chairman Fox convened the 163rd session of the Town Fathers Forum, a copy of which is attached and made a part of these minutes.

Site Plan 83-262/S. F. Doyle & Co., 321 Boston Post Road

Present: Building Inspector Joseph E. Scammon; Fire Chief Michael Dunne; Executive Secretary Winthrop Fairbank, Sudbury Water District; Applicant Stephen F. Doyle; and abutters Bruce and Shirley M. Ey.

Chairman Fox convened a public hearing on a request for approval of site plan revision and extension - SP83-262, of S. F. Doyle & Co., for property at 321 Boston Post Road, Mill Brook Park Phase II, BD#2, owned by S. F. Doyle & Co. and Alderice Maillet.

Executive Secretary Pro Tem Janet Silva stated that all appropriate Town officials and abutters had been notified and noted receipt of the following communications:

- from the Building Inspector, dated October 18, 1985, recommending approval and stating the revised plan conforms to zoning changes adopted at the 85ATM and that he approves the landscaping;

- from the Board of Health, dated October 18, stating no objection to the site plan conditioned on Town Counsel approving a legal mechanism to assure that all three lots in the Mill Brook Park development are permanently controlled by one owner or association, explaining that there are now three separate lots involved in the project (both phases), two lots which are owned by S. F. Doyle & Co. and one lot owned by Alderice Maillet, and there are situations where a building and its septic system are on different lots, thus under different ownership. This situation could create a problem should it

become necessary for work to be done on the subsurface disposal system, if the lots remain under different ownership;

- from the Fire Chief, dated October 18, stating : 1) the fire hydrant should be relocated and perhaps an additional hydrant located; and 2) when Fire Department sprinkler connections are located, parking spaces should not block connections;

- from the Town Engineer, dated October 25, recommending approval conditioned upon resolution of ownership problem and stating that the revised plan complies to the 85ATM Off-Street Parking Bylaw and shows adequate grading for on-site storm runoff and very good maneuverability for vehicular and pedestrian traffic using the proposed complex;

- from the Planning Board, dated October 23, recommending approval conditioned on : 1) additional landscaping being provided along the easterly side of the stockade fence where evergreen screening does not presently exist so as to provide a suitable buffer between the building owned by S. F. Doyle, Co., Inc., and the property of Mr. Bruce Ey; 2) an appropriate landscape plan for the entrance to the site showing proposed landscape features - planting areas with size and type of each shrub or tree - to be provided to the Selectmen for approval; 3) the location of all dumpsters to be shown on the plan with adequate screening provided; 4) resolution of the ownership question as recommended by the Board of Health because the present ownership arrangement also creates zoning violations on lots 2 & 3 in Mill Brook Park II; 5) lighting to be directed away from residences and to be similar to that at Mill Brook Phase I, with timed shut-off at approximately 9 00 p.m.; and 6) compliance with Fire and Health communications of October 18; and

- from the Conservation Commission, dated October 23, stating that an amended Order of Conditions would be required to reference construction on the revised plan, requesting an additional 20' of haybales for siltation control, questioning revisions to the drainage system (smaller pipes which may change rate of runoff from the site), and noting that any work below the flood plain contour must be reviewed by the Board of Appeals.

While viewing the plan, Applicant Stephen F. Doyle stated that SP83-262 was originally approved by the Board of Selectmen on July 25, 1983, and subsequently extended for one year on August 13, 1984. Mr. Doyle stated that the plan has been modified to incorporate changes in the Zoning Bylaw adopted at the 85ATM which necessitated the relocation of Building V to the front of the site and a redesigning of the parking area so that it is now behind the building; the additional number of spaces now comply with the new Off-Street Parking Bylaw; some reduction in the building area was necessary to accomplish this.

Responding to Chairman Fox relative to a note on the plan on the undergrounding of wiring, Mr. Doyle explained that all wiring will be underground - telephone wires will be in the trench above the utility wires.

With regard to lighting, Mr. Doyle stated that he had discussed the proposed lighting with concerned abutter Bruce Ey to make sure it would not be

intrusive. He said that the lighting would be directed away from residences and shielded as proposed (and installed) in the first phase.

Responding to the Building Inspector, Mr. Doyle stated that he would not have leased lights from Boston Edison where Boston Edison would have full control over the type of light and the timing for it, but that he would install his own poles and lights allowing him full control of the lights. Responding to Mrs. Ey, Mr. Doyle stated that there would be no lights on the access road; there will be some shrubbery/mushroom-type lights in the landscaped areas as well as at the entrances and steps.

Mr. Winthrop Fairbank of the Sudbury Water District explained to Mr. Doyle that the "meter pit", as it is shown on the plan, should be eliminated because his water costs will be extremely high to meter the 6" pipes as proposed. He suggested that, instead, each of the three buildings should be metered individually using a smaller, perhaps 1", pipe; these would be additional pipes, not affecting the 6" pipes servicing the sprinkler system. Mr. Doyle stated that he would make that amendment on the site plan.

Responding to above-noted concerns by various Town officials/boards, Mr. Doyle commented as follows:

- The original mylar has been amended to show the relocation of the fire hydrant for better access to the sprinkler connections at all buildings, as requested by the Fire Chief. Fire Chief Michael Dunne stated his approval of the location for the hydrant (eliminating the need for a second hydrant) and the sprinkler connections in relation to the parking.

- The dumpster is shown on the plan and will be screened by a 6' stockade fence.

- At the request of the Conservation Commission, 20' of additional haybales have been added for additional erosion control.

- The Planning Board is satisfied with wetland plantings specified by the Conservation Commission - that compatible to wetland environment - and natural vegetation will remain at entrance.

- Responding to Chairman Fox's request, Mr. Doyle stated landscaping would be provided to shield from view from the street parking which extends beyond the length of the building.

- Mr. Doyle indicated he would work with Town Counsel regarding a mechanism to assure ownership of all parcels in Phase I and Phase II is under the permanent control of one owner or association.

- Responding to Chairman Fox, Mr. Doyle stated that the location of wetlands precluded walkways in the rear to connect this complex to Phase I and that he will install walkways along Boston Post Road to facilitate travel from Phase I (327-329 Boston Post Road) to Phase II of the property. This was satisfactory to the Board.

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

VOTED: To approve an extension of Site Plan 83-262 of S. F. Doyle & Co., as revised, effective for a period of one year, for property located at 321 Boston Post Road, as shown on a plan entitled, "SITE PLAN FOR MILL BROOK PARK - PHASE II in SUDBURY, MASS.", dated October 9, 1985, revised October 28, 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) a revised Order of Conditions under the Wetlands Protection Act by the Conservation Commission;
- 2) approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer;
- 3) placement of all utilities underground;
- 4) extension of Sudbury Water District lines to the site by the owner; no wells to be installed on the site;
- 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) the architectural design to be the same as Mill Brook Park Phase I.
- 9) exterior lighting to be directed away from adjacent residences and be similar to that installed at Mill Brook Park, Phase I, with 9 00 p.m. timed shut-off;
- 10) 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;

11) 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;

12) as stipulated, and agreed to, in written reports, or otherwise, from the various Town department heads and agencies:

a) Planning Board, dated October 23, 1985, items 1-4 only;

b) Fire Chief: a full sprinkler system be provided for each building; the sprinkler connections, location and number of fire hydrants, and fire lanes be approved by the Fire Chief and shown on the plan; fire alarm cable to connect to the municipal alarm system (if applicant chooses to do so) be in conduit, i.e., with telephone cable, during construction phase, said cable to be shown on as-built plan;

c) Conservation Commission, dated October 23, 1985;

d) Board of Health, dated October 18, 1985, and the stipulation that the building be used for office space only;

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

14) dust to be controlled by watering during construction;

15) that a walkway be installed between Phase I and Phase II of the Mill Brook Park complex along Boston Post Road, subject to final approval by the Town Engineer.

The Selectmen signed the plan with the understanding that the following revisions were still to be made . 1) placement of water meters, as recommended by the Executive Secretary of the Water District; and 2) landscaping to screen the parking from Route 20 beyond the length of the building.

There being no further business to come before the Board the meeting was adjourned at 10 00 p.m.

Attest : _____
Janet Silva
Executive Secretary Pro Tem