

IN BOARD OF SELECTMEN
MONDAY, JULY 21, 1986

Present: Chairman Josiah F. Frost, Anne W. Donald and David A. Wallace.

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

Utility Petition 86-10 - Maynard Road

Present: Carole McManus, Boston Edison Company and Edward Kreutz, 325 Maynard Road.

In conformity with M.G.L. Ch.166, §21 and §22, the Board considered Utility Petition 86-10 of Boston Edison Company and New England Telephone and Telegraph Company.

Plans were presented to the Board by Ms. Carole McManus of Boston Edison Company to provide the location of conduit for electrical and telephone service to a new house at 325 Maynard Road.

Having received correspondence, dated July 17, 1986, from the Deputy Building Inspector Earl Midgley and the Wiring Inspector Warren E. Boyce, recommending approval of the above petition, and abutters having been properly notified, it was on motion by Chairman Frost unanimously

VOTED: To grant approval to Boston Edison Company and 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 way of the Town: Maynard Road - westerly approximately 955 feet north of Fairbank Road, a distance of about 8 feet - conduit, as shown on Boston Edison Company "Plan of Maynard Rd. Sudbury showing proposed location of customer conduit", dated May 15, 1986, and New England Telephone and Telegraph Company No. 86-9 "Plan for Conduit Location to Accompany Petition of New England Telephone and Telegraph Company", dated July 8, 1986.

Utility Petition 86-11 - Boston Post Road

Present: Carole McManus, Boston Edison Company.

In conformity with M.G.L. Ch. 166, §21 and §22, the Board considered Utility Petition 86-11 of Boston Edison Company and New England Telephone and Telegraph Company for permission to erect or construct, and a location for, poles, and such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line, to be used in common by them upon, along and across the following public way of the Town:

Boston Post Road - northerly side at Horse Pond Road, One (1) pole, (One (1) existing JO pole to be removed).

Executive Secretary Richard E. Thompson noted that all appropriate abutters and Town officials had been properly notified.

It was on motion by Selectman Donald unanimously

VOTED: To approve Utility Petition 86-11, as described above, and as shown on plan entitled, "Plan of Boston Post Rd. Sudbury, Showing Proposed Pole Location", dated March 21, 1986.

Preliminary approval of this petition had been granted on an emergency basis by the Board on September 18, 1985.

Special Town Meeting

Withdrawal of Sudbury Housing Authority Article

In accordance with a communication dated July 17, 1986 from Housing Authority Executive Director Jo-Ann Howe, advising the Selectmen that it had received funding for fourteen units of family housing but not for the forty units of elderly housing, it was on motion by Selectman Donald unanimously

VOTED: To accept the withdrawal by the Sudbury Housing Authority of its article dealing with housing for elderly and handicapped persons.

Proposed Article/Amend Zoning Bylaws

Communication, dated July 18, 1986, was received from Planning Board Administrator Lee Newman, on behalf of the Planning Board, requesting the Selectmen to submit an article for the September 1986 Special Town Meeting Warrant to amend Zoning Bylaws, Article IX,I,D, drafted to read,

"D. Sale Of Farm Products - Sales stands for the sale of farm products shall be permitted in any district, provided that the products sold are grown on the premises and further provided that structures used for the above purpose do not, by their location, violate setback or side yard restrictions.";

and, Article IX,III,A,1 drafted to read,

"A. Agriculture, horticulture, floriculture on parcel of more than five acres, or the conducting of boarding or lodging houses where board is furnished and lodgings are let to not more than five persons not members of the householder's family conducting them."

(The Planning Board had not reviewed the drafted wording.)

The Board discussed this with Town Counsel Paul L. Kenny and Executive Secretary Richard E. Thompson, noting that this amendment would adversely affect regulations of land use by owners with less than five acres. Following recommendation of the Executive Secretary, the Board agreed to return the article to the Planning Board for further study.

After further discussion, it was on motion

VOTED: Not to accept Planning Board article submitted by the Planning Administrator under the date of July 18, 1986 for the above stated reason.

Submission of Article/FY87 Insurance Budget

Following notice from Town Accountant James Vanar that the actual figures for town insurance premiums are coming in over the estimates received in April, and a detailed breakdown provided, showing an estimated 60% increase over FY86, it was on motion by Chairman Frost unanimously

VOTED: To open the September 25, 1986 Special Town Meeting Warrant for the purpose of submitting the following article; and it was further

VOTED: To approve submission by the Board of an article for the September 25, 1986 Special Town Meeting Warrant to increase by \$53,000 FY87 Town Insurance Budget, Unclassified Account 950-803, voted by the 1986 Annual Town Meeting; and it was further

VOTED: To close the Special Town Meeting Warrant.

Authorization To Borrow/Short-term Notes

Present: Town Treasurer Chester Hamilton.

Following discussion by the Board and upon recommendation of the Executive Secretary that the Board make their vote with the understanding that the Treasurer will not proceed until he is satisfied with proper documentaton of this request, it was on motion by Chairman Frost unanimously

VOTED: To authorize the Town Treasurer to borrow \$239,200 in short-term notes in anticipation of reimbursement from the Massachusetts Executive Office of Environmental Affairs under Self-Help Application #16, relative to Article 30, 1986 Annual Town Meeting, for purchase of the Powers land, Peakham Road, in accordance with General Laws Chapter 44, §6A.

Borrowing Authorization/Reimbursement Anticipation

Present: Town Treasurer Chester Hamilton.

Following discussion with Town Treasurer Chester Hamilton, it was on motion by Chairman Frost unanimously

VOTED: To authorize the Town Treasurer to borrow \$137,454 in anticipation of State reimbursement relative to a Highway, Chapter 90 Project for Union Avenue and Concord Road street resurfacing.

Traffic Study Contract

Following recommendation by the Executive Secretary, it was on motion by Selectman Donald unanimously

VOTED: To accept a "Proposal to Provide Traffic Engineering and Transportation Planning Services for the Town of Sudbury Traffic Circulation Plan", dated June 1986, including Appendixes A, B1 and B2, from HMM Associates, Inc., of Concord, for completion of Phase I Scope of Work only, at

a cost estimate of \$17,600; but table signing a contract for the same, until Town Counsel has resolved certain questions regarding the contract.

Purchase and Sale Agreement Extension/Crystal Lake Drive

Following recommendation by the Executive Secretary, it was on motion by Chairman Frost unanimously

VOTED: To table the question of signing a Purchase and Sale Agreement Extension relative to the sale of Parcel 809, Crystal Lake Drive (TPP#189), extending the performance time to August 15, 1986 as the Buyer no longer needs the extension to complete financial arrangements.

Colonial Spirits, 474 Boston Post Road
Application For Transfer of Package Good License

Present: David L. Fields, Michael J. Young, Gilbert Young, Herbert Bloom and Ellen Bloom-Fields, Officers of YBF, Inc.; Stephen P. Steinberg and Edward L. Morrill of DuRobtrater, Inc.

Chairman Frost opened a public hearing in accordance with General Laws Chapter 138, to consider an Application For Transfer of Liquor License. Current licensee DoRobtrater, Inc., d/b/a The Colonial Spirits, petitions for the transfer of the Package Goods Store All Alcoholic Beverages License now exercised by the said licensee on the premises located at 474 Boston Post Road, Sudbury, Massachusetts, to Young-Bloom-Fields, Inc., 88 Elinor Road, Newton, Massachusetts, d/b/a Colonial Spirits of Sudbury.

Executive Secretary Richard E. Thompson advised that Notice of Public Hearing had been duly advertised and abutters notified; also, citizenship records and reports certifying "no record" from the Office of Probation have been received from all officers and directors of the new corporation (YBF, Inc.).

Upon question from the Executive Secretary, Mr. Fields stated he would be the on-site Manager, not only the licensed Manager. He also stated that he has been in this particular type of business for four years and is very concerned about ensuring that selling of liquor to minors is avoided. He is the general manager of Cambridge Mall Liquor, 202 Alewife Brook Parkway, Cambridge, Massachusetts.

Mr. Thompson advised that communication had been received from the Building Inspector Joseph E. Scammon, dated July 10, 1986, recommending approval and stating that on the first floor plan the designations for entrance and exit are opposite the actual doors. (These should be corrected). A letter of approval dated, July 16, 1986, was received from Police Chief Peter B. Lembo, and the Board of Health and the Fire Chief had telephoned a recommendation of approval.

Mr. Thompson said he would like to see the new owner/manager continue with the same practices as the past ownership regarding cooperation with the town and providing police details during holidays, etc. Mr. Fields said that they would.

It was on motion unanimously

VOTED: To approve the application for transfer of a Package Goods Store License for the Sale of All Alcoholic Beverages from Edward L. Morrill, Manager, DuRobtrater, Inc., d/b/a The Colonial Spirits, for property located at 474 Boston Post Road, to David L. Fields, Manager, YBF, Inc., d/b/a Colonial Spirits of Sudbury; and further, to approve pledge of said license to DuRobtrater, Inc., as collateral; subject to approval by the Alcoholic Beverages Control Commission.

Resignation - Route 20 Task Force

Following receipt of correspondence from Victor Mangini dated July 8, 1986, it was on motion by Selectman Donald unanimously

VOTED: To accept the resignation of Victor Mangini, dated July 8, 1986 from the Route 20 Task Force, effective immediately.

Voter Registration Sessions

Following receipt of request from Town Clerk Jean M. MacKenzie, dated July 7, 1986, it was on motion by Selectman Wallace unanimously

VOTED: To set a special voter registration session August 16, 1986, to be held from Noon to 8:00 p.m. at the Town Hall; and August 19, 1986 from 5:00 p.m. to 10:00 p.m. at the Town Hall for the September 16th State Primary, in accordance with M.G.L.c.51, §28 and M.G.L.c.53, §24.

It was on motion by Selectman Donald unanimously

VOTED: To set a special voter registration session September 19, 1986, to be held from 6:00 p.m. to 8:00 p.m. at the Town Hall for the September 25th Special Town Meeting, in accordance with M.G.L.c.51, §29A.

Warrant For State Primary

It was on motion by Selectman Donald unanimously

VOTED: To sign the Warrant for the State Primary of September 16, 1986.

Appointment/Matron Police Department

Following receipt of correspondence dated July 17, 1986 from Police Chief Peter B. Lembo it was on motion by Chairman Frost unanimously

VOTED: to appoint Vicki A. Arthur, 49 Pond Street, Framingham, Massachusetts, as Police Matron for a term to expire April 30, 1987.

Report Form/State Aid Highways

It was on motion by Selectman Donald unanimously

VOTED: To sign report form HED-077 to be submitted to the District Highway Engineer at the Massachusetts Department of Public Works, to assure receipt of the December distribution of state aid for highways, under Chapter 81, §31 of the M.G.L. (Cherry Sheet Distributions). This certifies the amount of money expected to be incurred during fiscal year 1987 for constructing, maintaining and policing Sudbury streets to be \$1,445,968.

Transportation Improvement Program

Responding to correspondence dated July 7, 1986 from Robert K. Sloane, Executive Secretary of the Metropolitan Planning Organization, it was on motion by Chairman Frost unanimously

VOTED: To support the FY 1987 Transportation Improvement Program as outlined in the draft which accompanied the July 7th letter, and to so notify the Metropolitan Area Planning Council.

Transfer Requests - 501-210

It was on motion by Chairman Frost unanimously

VOTED: To approve Request No. 86-50, dated June 30, 1986, for a transfer of \$72.40 from Line Item 501-310, Selectmen Maintenance, to Line Item 501-210, Selectmen General Expense; and No. 86-51, dated June 30, 1986, for a transfer of \$147.95 from Line Item 501-410, Selectmen Travel, to Line Item 501-210, Selectmen General Expense, both to cover an error in booking a transfer, and approved by the Finance Committee on July 10, 1986.

Chapter 61A, First Refusal Option/Bigelow Nurseries, Inc.

Having received letters from Chairman of the Board of Assessors Linda Z. Buxbaum, dated July 11, 1986; Conservation Coordinator Deborah Montemerlo for the Conservation Commission, dated July 15, 1986; and on behalf of the Planning Board, Planning Administrator Lee Newman, dated July 15, 1986, all advising of their votes that the Town not exercise its first option to purchase land owned by Bigelow Nurseries, Inc., on Landham Road, it was on motion by Selectman Wallace unanimously

VOTED: Not to exercise the Town's sixty-day first refusal option, under General Laws Chapter 61A, §14, to meet a bona fide offer with respect to a notice of intent of Bigelow Nurseries, Inc., to sell a parcel of land approximately 7.79 acres on Landham Road (Map M10, parcel 015) assessed on the basis of agricultural or horticultural use, to William Senecal for use other than agricultural or horticultural.

Land Purchase & Sale Agreement

It was on motion by Chairman Frost unanimously

VOTED: To record the Board's signing of a Purchase and Sale Agreement with John C. and Betsey M. Powers, dated June 11, 1986, for purchase by the Town of land off Peakham Road, in accordance with Article 30 approved by the 1986 Annual Town Meeting.

Run Brook Conservation Restriction & Drainage Easement

It was on motion by Chairman Frost unanimously

VOTED: To approve and accept interest in land, a Conservation Restriction and a Drainage Easement, given by Mechanics Bank, John E. Taft and Richard H. Davison, Trustees of The Sudbury Foundation, on property off Dutton Road and Hudson Road, as shown on "Definitive Subdivision Plan of Run Brook in Sudbury, Mass.", dated February 28, 1986, revised June, 18, 1986, drawn by Colburn Engineering, Inc.

Stone Tavern Farm Perpetual Trail Easement/Horse Pond Road

It was on motion by Selectman Wallace unanimously

VOTED: To approve and sign a Perpetual Trail Easement given by William P. and Olive T. Stone, on property off Horse Pond Road, as shown on a plan entitled, "Compiled Plan of the 'Stone Tavern Farm' Sudbury, Massachusetts", dated February 6, 1984, latest revision July 8, 1986, prepared by the Town of Sudbury Engineering Department.

Minutes

It was on motion by Selectman Donald unanimously

VOTED: To approve the Minutes of the Regular Session of July 7, 1986 as drafted.

Coach House Inn, 738 Boston Post Road
Application for Restaurant All Alcoholic License

Present: Mr. & Mrs. Robert Joseph, 70 Washington Drive; Mr. & Mrs. Robert Cooper, 28 Revolutionary Road; Mr. & Mrs. A. Miles Nogelo, 19 Washington Drive; Mr. & Mrs. Richard Hansen, 21 Revolutionary Road; Mr. & Mrs. H. Morgan, 33 Lafayette Drive; Mr. Edward Sokoloff, 3 Washington Drive; Ms. Anita L. Pearson, 34 Washington Drive; Mr. & Mrs. James F. Cost, 55 Washington Drive; Mr. & Mrs. Joseph Gumlak, 106 Peakham Road; Ms. Judy Cope, 80 Plympton Road; Ms. Sally Trimble, 118 Peakham Road; Ms. Jane McKinley, 118 Peakham Road and approximately eight additional abutters and interested citizens.

The Executive Secretary advised that communication dated July 21, 1986 had been received today at 3:37 p.m. from Coach House Inn, Inc., Grace Desjardin, President, stating that Coach House Inn, Inc. was withdrawing its application for a Restaurant All Alcoholic Beverages License, which was scheduled before the Board at 8:30 p.m. this evening. Ms. Desjardin stated in her letter that they would file with the Board of Appeals for the necessary Special Permit changes and refile with the Selectmen. They requested that the Board accept this withdrawal "without prejudice".

Chairman Frost advised those in attendance that the application had been withdrawn, and that to allow further discussion on the merits of the license would be inappropriate; he did state he would accept a few questions for clarification only.

Attorney Edward Sokoloff, representing opponents of the application asked the Selectmen if they would accept the application "with prejudice". Town Counsel Paul L. Kenny suggested to the Selectmen that to accept the application "with prejudice" without the person being heard would probably be violative of due process. Counsel advised the Board that there were two options: 1) They could allow the withdrawal of the application "without prejudice", or 2) They could allow the application to go forward "with prejudice" without the applicant being heard, which would be outside what he believes the Board should be doing.

Chairman Frost stated he understood the inconvenience caused to the residents who had attended the meeting for the purpose of participating in this Hearing. Mrs. A. Miles Nogelo asked the Board if the correspondence that had been written to the Town regarding this Hearing would be considered relevant during the Hearing to be held at a later date. Town Counsel advised that people who have submitted correspondence regarding this Hearing should make a request to have the correspondence considered at the second hearing. The Executive Secretary advised that in situations such as this in the past, correspondence has always been considered and the file kept active. Mrs. Nogelo asked if those present tonight could receive notice of the next hearing. Mr. Thompson advised that those interested in receiving notice should leave their names and addresses. Mr. Thompson also advised that the applicant has filed with the Board of Appeals and notice of that meeting will be posted in the newspapers.

Mrs. Nogelo asked if the Coach House Inn, Inc. had a legal permit to be operating. Chairman Frost advised that it has expired, but that they have begun preparation to renew its permit.

After further discussion, it was on motion by Chairman Frost unanimously

VOTED: To accept the withdrawal of the application of Coach House Inn, Inc., for a License to Sell All Alcoholic Beverages As a Common Victualler, dated June 20, 1986.

SP86-299, Massachusetts Federation of Women's Clubs - Decision

The Selectmen signed the Notice of Decision relative to the Board's vote of July 7, 1986, granting a Site Plan Special Permit pursuant to Article IX,V,A of the Town of Sudbury Bylaws, to the Massachusetts State Federation of Women's Clubs (MSFWC) for the construction of a one-story, 2,000 sq. ft. staff building and parking lot on property located at 245 Dutton Road.

Sanitary Landfill

In response to a Notice of Violation dated July 10, 1986 received from the Commonwealth of Massachusetts, Department of Environmental Quality Engineering regarding deficiencies in operation of the Sanitary Landfill, Mr. Thompson advised the Board that Town Engineer James V. Merloni and Sanitary Landfill Agent Robert A. Noyes will represent the Town at the conference on Thursday, July 24, 1986 at 1:00 p.m. at the Metropolitan Boston/Northeast Office, 5 Commonwealth Avenue in Woburn, and that the Selectmen will receive a copy of the written document to be prepared which will address each point mentioned in the Notice of Violation.

Bike Trail

Regarding the Bike Trail Abutters Committee, Mr. Thompson will ask Conservation Coordinator Deborah Montemerlo to notify Mr. David Roddy of all meetings and developments regarding the proposed future Lowell to Sudbury bike trail. According to a letter from Nancy Clinton of the Bike Trail Abutters Committee, dated July 8, 1986, there was a meeting on July 1, 1986 in Chelmsford that Mr. Roddy was not aware of.

MMA Meeting - October 25, 1986

Following discussion, it was on motion by Chairman Frost unanimously

VOTED: That Selectman Donald be the voting delegate at the Massachusetts Municipal Association Annual Meeting to be held on Saturday, October 25, 1986 from 2:15 to 3:45 p.m. at the Dunfey Hyannis Hotel.

James Vanar - Certified Governmental Accountant

A letter was received from the Massachusetts Municipal Auditors' and Accountants' Association, Stephen J. Szabo, Jr., President, dated July 15, 1986, advising that Town Accountant James Vanar was awarded a certificate designating him a Certified Governmental Accountant as promulgated by their Association, at their Annual Meeting held June 8-11, 1986. Selectmen Donald suggested and the Board agreed to forward a letter of recognition to Mr. Vanar.

MetroWest

Selectman Donald reported that she attended the MetroWest meeting held on July 16, 1986, at which Mayor Connery from Marlborough reported that they have 1500 acres of undeveloped industrial land in Marlborough. There is a MetroWest meeting for Sudbury boards scheduled for the 25th of August on the Selectmen's agenda, and Selectman Donald asked that a letter be sent to the Planning Board, Conservation Commission, the Board of Appeals, and all pertinent boards now, urging them to attend. She also noted that Sudbury will be host for the regular MetroWest meeting to be held on Wednesday, September 17.

MAGIC

Chairman Frost reported on a July 17th MAGIC meeting as follows: Much of the time was spent reviewing the Memorandum of Agreement of which we will be receiving a rewrite. Lincoln has dropped out, leaving ten towns involved. Carlisle purchased a cranberry bog for two million dollars and is going to operate it. There is another meeting on the third Thursday of August in Carlisle which Chairman Frost will try to attend.

Winfield Group - Day Care

Present: Jeffrey M. Dow of the Winfield Group.

The Selectmen received a letter, dated June 30, 1986, from Jeffrey M. Dow of the Winfield Group, requesting an informal meeting with the Selectmen to

discuss the day care needs of Sudbury. As a result, Mr. Dow met with the Board, and during his presentation he asked if there was a small parcel of land in Sudbury that might be donated or sold at a reduced cost to the Winfield Group.

After a lengthy discussion, the Board agreed that the Town does have a need for child care facilities and suggested that, as some of the needs are currently being met by the School Department, perhaps it would be best for Mr. Dow to contact the School Department. Also it was suggested that Mr. Dow contact Mr. Sweitzer at Raytheon Company to inquire if there is any interest on their part in day care centers. Mr. Dow thanked the Board and advised he would follow their suggestions and be in contact again.

There being no further business to come before the Board, the meeting was adjourned at 9:40 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk