

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 24, 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.

Site Plan 86-300/BayBank Middlesex (Mugar)

It was noted by Selectman Wallace that some wording in the October 6, 1986 vote was inadvertently omitted in the October 20, 1986 Notice of Decision for the above-subject site plan.

After discussion it was on motion by Selectman Wallace unanimously

VOTED: To amend the October 20, 1986 Notice of Decision, for Site Plan 86-300 of Bay Bank Middlesex, for property located at 509 Boston Post Road, by adding the following condition:

"14) To review the report filed by HMM Associates, Inc., relative to future possible curb cuts to insure against conflict with proposed Raytheon Drive connections.

and further, to amend item 11) to add item #14 as a condition for obtaining a building permit.

The Board acknowledged receipt of a letter dated November 18, 1986 from the Planning Board to BayBank Middlesex suggesting that BayBank meet with the Planning Board and Design Review Board to discuss relocating its facility for better traffic circulation and integration within the Sudbury Plaza site.

License Renewals

It was on motion by Chairman Frost unanimously

VOTED: To renew the following licenses which expire December 31, 1986, and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission, where applicable; subject to approval by the Department of Public Safety, 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:

BUSINESS

TYPE OF LICENSE

YBF, Inc. (Colonial Spirits)
474 Boston Post Rd.

AA Package

MacKinnon's Liquors
5 Concord Rd.

AA Package

Sudbury Farms
439 Boston Post Rd.

W&M Package

Old Wines De' La France
410 Boston Post Rd.

W&M Package

Ephraim's Restaurant
8 Village Green

AA Restaurant
Common Victualler
Entertainment
(including Sunday)

Matt Garrett's of Sudbury, Inc.
120 Boston Post Road

AA Restaurant
Common Victualler
(hrs. restricted)
Entertainment
(including Sunday)

Tom Shea's
394 Boston Post Rd.

AA Restaurant
Common Victualler
Entertainment

99 West, Inc.
694-8 Boston Post Rd.

AA Restaurant
Common Victualler
Entertainment
(including Sunday)

Philip's Pizza
447 Boston Post Rd.

AA Restaurant
Common Victualler
Entertainment

Wayside Inn
72 Wayside Inn Rd.

AA Restaurant
Common Victualler/Innkeeper
Entertainment

Ye Olde 117 House
470 North Rd.

AA Restaurant
Common Victualler
Entertainment

Bullfinch's, Inc.
730 Boston Post Rd.

AA Restaurant
Common Victualler
Entertainment

Something Simple
385 Boston Post Rd.

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

Papa Gino's
120 Boston Post Rd.

W&M Restaurant
Common Victualler
Entertainment
(including Sunday)

American Legion #191
676 Boston Post Rd.

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

Charcuterie, The
525 Boston Post Road

Common Victualler
Entertainment

Coach House Inn
738 Boston Post Road

CV/Innkeeper
(hrs. restricted)
Entertainment

D'Angelo, Inc.
435 Boston Post Road

Common Victualler

Friendly's
457 Boston Post Rd.

Common Victualler
Entertainment

Marrone's Bake Shop
418 Boston Post Rd.

Common Victualler

Sudbury Pizza
426 Boston Post Roa

Common Victualler

Sudbury Bowladrome
136 Boston Post Rd.

Automatic Amusement Devices
(Sun. Entertain., expires
3/29/87)

Colony Leasing Corp.
10 Concord Rd.

Used Car Class II
(Conditioned; license period
coincides with Special Permit
expiring 3/1/87 unless
renewed)

Colonial Auto Body of Sudbury
430 Boston Post Rd.

Used Car Class II

Steve's Auto Body
40 Station Rd.

Used Car Class II

Automotive Diagnostic Ctr.
100 Boston Post Rd.

Used Car Class II

Mosher Auto Body
34 Station Rd.

Used Car Class III

Town Forum/169th Session

At 8:00 p.m. Chairman Frost convened the 169th Session of the Town Forum,
a copy of which is attached and made part of these minutes.

Resignation/Sudbury Housing Authority

The Board noted receipt of a communication dated November 19, 1986 from the Sudbury Housing Authority Executive Director Jo-Ann Howe, advising the Board of the resignation of Richard Passalacqua from the Housing Authority, and requesting a joint meeting with the Selectmen on December 1, 1986 at 9:00 p.m. for the purpose of appointing a new member by roll call vote to serve on the Authority until the March elections. The Board confirmed the December 1st meeting.

Minutes

It was on motion by Chairman Frost unanimously

VOTED: To approve the minutes of the regular session of November 17, 1986 as drafted.

Chapter 61A Land of Clifford Hughes & Hughes Realty Trust

Present: Mr. Clifford J. Hughes, 27 Concord Road; Conservation Commission Chairman Gordon D. Henley, Members Adam B. Ames, J. S. Yeo, Frances H. Clark, Stephen Sandler, Robert A. Lancaster, Cynthia C. Powell; Conservation Coordinator Deborah Montemerlo; and Nancy Valentino of R. Smith Associates, Inc., 292 Great Road, Acton, Massachusetts.

Chairman Frost began discussion regarding the question of exercising 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 Mr. Clifford Hughes and Hughes Realty Trust, to sell a parcel of land identified on Assessors Map K08 as Parcel 027, containing 16.73 acres, assessed on the basis of agricultural or horticultural use, to Roy C. Smith for use other than agricultural or horticultural.

Chairman Frost noted receipt of a communication dated October 30, 1986 from Attorney Nathaniel K. Brown of Brown & Brown, 110 Great Road, Bedford, Massachusetts, advising that Mr. Clifford Hughes intends to sell premises known as 53 Concord Road, containing approximately 20 acres, to Roy C. Smith in accordance with terms of a Purchase and Sale Agreement entered into by said Clifford Hughes and Hughes Realty Trust and Roy C. Smith, dated October 22, 1986.

Chairman Frost also noted receipt of the following communications:

Dated November 4, 1986, from the Board of Assessors, Chairman Linda Z. Buxbaum, advising that the Board of Assessors voted unanimously to recommend the Town exercise its purchase option on said property. It is the Board of Assessors' belief that the land would be an excellent purchase for the Town for a future site for subsidized housing.

Dated November 20, 1986, from the Conservation Commission, advising that the Conservation Commission voted unanimously to recommend the town exercise its purchase option on said property. The rear portion of the parcel contains Hop Brook, contributing to the watershed of the town wells. It has been a top priority of the Commission to protect the quality of Hop Brook in Sudbury. The

parcel could provide a link from the center of town (Route 20/Library) along Hop Brook to near Codjer Lane with a public trail.

Dated November 19, 1986, from Town Planner Lee Newman, advising that the Planning Board voted unanimously to recommend that the town exercise its option to purchase the referenced property. The Planning Board supports acquisition because of the centralized location of the property, (adjacent to the library for any future expansion), for possible site for elderly housing and for access and protection of Hop Brook.

Mr. Hughes cited cluster-zoning developments that R. Smith Associates, Inc. has constructed in towns such as Concord and Westford, saying that Mr. Smith worked with the Planning Boards and the Conservation Commissions in those towns, and was very willing to meet the requirements of the towns.

Chairman Frost asked Conservation Commission Chairman Gordon Henley what were the main items of concern of the Conservation Commission. Mr. Henley stated the Commission was most concerned about watershed into Hop Brook and protection of the wetland and open space.

Mr. Hughes said he would meet with Mr. Smith to discuss an addendum to the Purchase and Sale Agreement which would address the concerns of the town regarding water shed into Hop Brook, protection of the wetland and open space.

Chairman Frost and Mr. Henley stated that they preferred this be done by incorporating a conservation restriction into the deed.

Mr. Hughes will contact Mr. Henley within the week, regarding the above and report back to the Board of Selectmen and the Conservation Commission.

The Board scheduled a walk through the property with Mr. Hughes, the Conservation Commission, the Planning Board, and the Board of Assessors on Saturday, December 6, at 1:30 p.m.

Mr. Hughes stated that the land across the street from his was cluttered and unsightly, with items piled adjacent to Hop Brook.

Mr. Henley said it would be a good idea to request owners of the property to observe a set back from Hop Brook for storage of items.

The Selectmen tabled the subject until its meeting of December 8, 1986.

Accept Parcels of Land

Present: Conservation Commission Members Adam B. Ames, Chairman Gordon D. Henley, J. S. Yeo, Frances H. Clark, Stephen Sandler, Robert A. Lancaster, Cynthia C. Powell, and Conservation Coordinator Deborah Montemerlo.

The Board considered the question of concurring with Conservation Commission recommendations to accept four separate parcels of land, to be under the direction and control of the Conservation Commission.

Selectman Donald said that it appeared to her that there was more than 2 acres in the Waite Parcel 504 on Assessors' Map C08.

Ms. Montemerlo responded that the deed does not exactly indicate which two acres are represented because of ancient deed descriptions, but that two acres would be transferred to the Conservation Commission and hopefully the entire eight acres would eventually be owned by the Conservation Commission.

It was on motion by Chairman Frost unanimously

VOTED: To concur with the recommendations of the Conservation Commission to accept parcels of land, to be under the direction and control of the Conservation Commission, as follows:

a. As set forth in the Commission's letter dated November 19, 1986, Lot 14, Clifford Road, (approximately .93 acre) shown as Parcel 214 on Assessors' Map M09, from Mr. and Mrs. Philip DeSantis.

b. As set forth in the Commission's letter dated November 19, 1986, Lot 2, Moore Road, (approximately 1.25 acres) shown as Parcel 007 on Assessors' Map G04, from Ethel Marcus of Framingham, Massachusetts with unpaid back taxes.

c. As set forth in the Commission's letter dated November 21, 1986, approximately 2 acres of land owned by Caroline E. Waite, denoted as Parcel 504 on Assessors' Map C08, located off Route 117 and Powers Road within "Cedar Swamp".

d. As set forth in the Commission's letter dated November 19, 1986, approximately 21 acres of land owned by Philip J. Newfell, Jr. and Marjorie Newfell, located off Concord Road, being a portion of Parcel 400 on Assessors' Maps E10 and E11.

Article FY87 Annual Town Meeting
Noise Abatement

The Board reviewed a November 24, 1986 correspondence from Town Counsel Paul L. Kenny on the matter of an Article to adopt a bylaw concerning noise abatement in residential zones, which contained the following response:

"You have requested my comments concerning a noise abatement bylaw. Please be advised that there presently exists a mechanism in the statutes of the Commonwealth for the abatement of a nuisance. Any bylaw would in all probability be required to meet those same standards. Additionally, a particular type of use, if allowed, might be expected to generate a certain amount of noise and, therefore, the bylaw could not prohibit noise necessarily incidental to a particular allowed use. An example would be a farming use where it is normally accepted that a farmer's tractor would be operating from dawn. It is unlikely that this would be desirable in a residential area, but it would be incidental to farming. Of course, agricultural uses on parcels of land five acres or more anywhere in Town may not be prohibited as they are exempt from zoning."

This draft was in response to the Selectmen's request to follow through on what may possibly be done to control the noise created at the property owned by Cavicchio Greenhouses Inc., 110 Codjer Lane. It was the consensus of the Board

that an article would not be necessary, as there is currently a mechanism in the Massachusetts General Laws for abatement of a nuisance.

Article FY87 Annual Town Meeting
Exempt Police Officers from Civil Service

Executive Secretary Richard E. Thompson reported that the Police Chief supports the submission of an Article at the FY87 Annual Town Meeting to exempt the Police Force from Civil Service laws and rules. He pointed out the fact that the fire department has satisfactorily operated for twenty years under a Non-Civil Service status, while the Police Department has encountered numerous problems with the State Civil Service system.

It was on motion by Selectman Donald unanimously

VOTED: To request the Executive Secretary and Police Chief Lembo to prepare an Article for FY87 Annual Town Meeting to allow the Town to vote on whether or not to have police officers under a Civil Service status.

U.S. Postal Service/Emergency Headquarters

Executive Secretary Thompson reported to the Board that the U.S. Postal Service will be notifying the Board that they are seeking emergency headquarters as the lease at their present location has expired. They will be locating on a permanent basis in the future, intending to build a new facility of their own.

Bonfire

Selectmen approved the request of Fire Chief Dunne for permission to have a bonfire on November 26 at the Lincoln Sudbury Regional School. (Later noted that bonfire was cancelled due to rain, per Fire Chief Dunne 11/26/86).

Sudbury River

Selectman Donald discussed a newspaper article that she read regarding the decision by the Massachusetts Water Resources Authority (MWRA) not to tap the Sudbury River for drinking water for at least three years, with the warning that the issue will not die completely. Selectman Donald stated that she felt the Town should continue to attend the MWRA meetings to protect Sudbury's interests in the river.

There being no further business to come before the Board, the meeting was adjourned at 10:05 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk