

IN BOARD OF SELECTMEN  
MONDAY, OCTOBER 6, 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.

Appointment/Council on Aging

Present: Edward Sicard, 31 Lake Shore Drive.

Following a brief interview with Mr. Sicard, it was on motion unanimously

VOTED: To appoint Edward A. Sicard, 31 Lake Shore Drive, to the Council on Aging for a term to expire April 30, 1989, to fill the position vacated by Berthe L. Lessard.

Utility Petition 86-17/Boston Post Road

Present: Joseph Bausk, New England Telephone and Telegraph Company, and George Welch, 88 Boston Post Road.

In conformity with M.G.L. Ch.166, §21 and §22, the Board considered Utility Petition 86-17 of New England Telephone and Telegraph Company.

Plans were presented to the Board by Mr. Joseph Bausk of New England Telephone and Telegraph Company to provide the location of conduit for telephone service, in Boston Post Road.

Having received correspondence, dated October 2, 1986, from Wiring Inspector Warren E. Boyce and Building Inspector Joseph E. Scammon, recommending approval of the above petition, and abutters having been properly notified, it was on motion unanimously

VOTED: To grant approval to 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:

Boston Post Road - northerly side, approximately 83 feet westerly of Brimstone Lane, and continuing easterly about 170 feet to Pole 162 - conduit, as shown on New England Telephone and Telegraph Company "Plan For Conduit Location #850 Bos Post Rd", dated September 3, 1986, Revised 9/23/86.

Promotion/David T. Flaherty

Assistant Town Engineer Bruce Kankanpaa recommended that the Board proceed with the recommendation of Town Engineer James V. Merloni as stated in his communication to the Board, dated September 26, 1986, requesting approval for the promotion of David T. Flaherty from his current position of Jr. Civil Engineer E-4, Step 3, at a salary of \$22,680 per year, to a position of Civil Engineer E-5, Step 1, at a salary of \$24,052 per year.

It was on motion unanimously

VOTED: To approve the promotion of David T. Flaherty to the position of Civil Engineer E-5, Step 1.

Death of Town Engineer James V. Merloni

The Board of Selectmen acknowledged the death of Town Engineer James V. Merloni and expressed appreciation for the outpouring of support and sympathy from local residents and others, especially toward the family of Mr. Merloni.

The Selectmen expressed that "Jim" will be a tremendous loss to the town government and most difficult to replace.

Authorization/Sign Vouchers and Payroll

Following request by Executive Secretary Richard E. Thompson, it was on motion unanimously

VOTED: To authorize Assistant Town Engineer Bruce Kankanpaa to sign payroll and bill vouchers until the appointment of a new Town Engineer.

Blue Cross/Blue Shield Payments, Sick Leave Buy Back/Mrs. Merloni

On recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To authorize the process of payment of 50% of the health insurance premiums for benefits to Mrs. Susan Merloni for a period of 36 months.

Executive Secretary Thompson reported to the Board that he had spoken with Labor Relations Counsel Richard Murphy regarding the payment to James Merloni's estate of his Sick Leave Buy Back as referenced in the Agreement Between the Town and Sudbury Supervisory Association, and Mr. Murphy responded that a proper interpretation of the contract would be that there is an intent that Mr. Merloni's Sick Leave Buy Back would go to his estate; this is further substantiated by the omission of any language prohibiting the same. In further justification of this action, the Executive Secretary pointed out that 1) Mr. Merloni had vested rights in the Middlesex County Retirement System and was eligible for retirement at the time of his death, and 2) Mr. Merloni's spouse is eligible under the County Retirement System to receive a lump sum payment of his contributions or scheduled retirement payments upon reaching an eligible age.

After discussion and on recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To approve payment to the Estate of James V. Merloni, of Mr. Merloni's Sick Leave Buy Back as referenced in the Sudbury Supervisory Association Contract, dated July 7, 1986.

99 Restaurant/Entertainment License

Present: 99 Restaurant representative Edward Decourcey.

Chairman Frost postponed the consideration of an application by the 99 Restaurant for the addition of a disc jockey on Friday and Saturday nights to their Entertainment License, for property located at 698 Boston Post Road. Mr. Decourcey advised the Board that the manager of the Restaurant was on vacation at this time and requested a postponement. The manager will call to set a new hearing date.

Sale of Tax Possession Parcel 205, Robbins Road

Subsequent to authorization received on Article 25 at 1984 Annual Town Meeting to sell Tax Possession Parcel 205, Robbins Road, at private sale, Executive Secretary referred to communication from Zoning Enforcement Agent Joseph E. Scammon to the Board of Selectmen, dated September 25, 1986, wherein Mr. Scammon advised that it is his preliminary opinion Tax Possession Parcel 205, Robbins Road, is a buildable parcel, but this must be confirmed by a title search and survey of the land.

Subject to title search by Town Counsel Paul L. Kenny and survey of the land by the Engineering Department, it was on motion unanimously

VOTED: To proceed with the advertisement by sealed bid for the sale of Tax Possession Parcel 205, lots 77-80 located on Robbins Road.

Appointment/Sudbury 350th Anniversary Celebration Committee

Having received communication dated September 27, 1986 from Colonel of the Companys of Militia and Minute Harold R. Cutler, appointed as the liaison person for the Companys to the town committee which will be working on the Sudbury 350th anniversary celebration, it was on motion unanimously

VOTED: To appoint Harold R. Cutler, 163 Landham Road, to the Sudbury 350th Anniversary Celebration Committee.

Appointments/Town Report Committee

Upon recommendation of Town Report Committee Chairman Clayton F. Allen, it was on motion unanimously

VOTED: To appoint Sharleen Conn, 33 Mossman Road, and Joy McIntosh, 511 Peakham Road, to the Town Report Committee for a term to expire April 30, 1987, to fill the positions formerly held by Linda Krusinski and Elizabeth A. Agarwal.

Contract Signing/Painting Hosmer House

- It was on motion unanimously

VOTED: To authorize the Chairman to sign the Contract Agreement between the Town and H.M. Horton Company in the amount of \$4980, for the Repair & Painting of Hosmer House, subject to the condition of the Contractor's Certificate of Insurance naming the town as an additional insured as provided in Article 5 of the General Conditions of the Contract Agreement.

Phase Two Contract/Route 20 Task Force

Following vote of Article 21 at the September 25, 1986 Special Town Meeting, authorizing funding of Phase Two of the Proposal to Provide Traffic Engineering and Transportation Planning Services for the Town of Sudbury Traffic Circulation Plan, it was on motion unanimously

VOTED: To award a \$31,500 contract for Phase Two of the Proposal To Provide Traffic Engineering and Transportation Planning Services For The Town of Sudbury Traffic Circulation Plan to HMM Associates, Inc., 336 Baker Avenue, Concord, Massachusetts.

Selectmen's Reports

Selectman Donald reported to the Board that she had attended a meeting of the Sudbury 350th Anniversary Celebration Committee, and that the Committee will be meeting again in November to elect officers for that Committee.

Selectman Donald attended the dedication of KidSpace on October 1, which was very successful.

Hawker & Pedler/5 Concord Road

The Executive Secretary reported to the Board that MacKinnon's, 5 Concord Road, had granted approval subject to the Selectmen's concurrence to a Providence, Rhode Island based novelty firm to sell major league baseball souvenirs in their parking lot during the month of October. It was the Board's unanimous opinion that this would be inappropriate to the character of Sudbury and not an appropriate use of the parking lot, designated under their site plan for the parking of vehicles. The Board instructed the Executive Secretary to so inform the owners of MacKinnon's.

Site Plan 86-300/BayBank Middlesex (Mugar)

Present: The Mugar Group representatives Ellen M. Lee and David Gilkie; BayBank Vice President Walter Hall; BayBank Attorney John C. Powers; and Fire Chief Michael C. Dunne.

Chairman Frost opened a public hearing in accordance with Sudbury Zoning Bylaws IX,V,A, to consider Application #86-300 for a Site Plan Special Permit from BayBank Middlesex, for construction of a remote transaction facility, 167 square feet, at 509 Boston Post Road, Sudbury Plaza, Limited Business District #2, owned by The Mugar Group, Inc.

Executive Secretary Richard E. Thompson advised that Parties in Interest have been notified and Notice of Public Hearing had been duly posted and advertised in accordance with Sudbury Zoning Bylaws and M.G.L.c.40A.

The Board noted receipt of the following communications relative to BayBank Middlesex's site plan for property located at 509 Boston Post Road:

- Letter dated September 24, 1986, from Board of Health Director Michael J. Sullivan, indicating the Board of Health has no objections to the plan.

- Letter dated September 8, 1986, from Fire Chief Michael Dunne, stating three comments: 1) the Fire Department has objected to this type of plan previously; 2) the present automatic teller booth operated by BayBank Middlesex causes problems of access to McNeill Veterinary on Union Avenue because customers abandon their automobiles in the access driveway instead of parking in designated spaces - this type of behavior will block travel lanes at Sudbury Plaza; and 3) the Fire Department does not recommend approval of this site plan.
- Letter dated September 30, 1986, from the Planning Board, indicating its opinion that the proposed construction of a kiosk type bank building will pose a potential safety problem with respect to good traffic circulation, and recommending that the kiosk building be located within the existing shopping center onto the building area, such as along the westerly side of building sixteen. The Board could not recommend approval of this site plan as long as the location of the kiosk building remains within the parking lot.
- Letter dated October 2, 1986, from Inspector of Buildings Joseph E. Scammon, reporting that the kiosk building will displace several parking spaces, but that an adequate number of spaces will remain. Mr. Scammon recommends no-parking signs, possibly fire lanes at the west and north sides of the building, and approval of the site plan.
- Letter dated October 3, 1986, from Assistant Town Engineer Bruce A. Kankanpaa, recommending approval of the site plan subject to the condition that no "drive-up" teller machine be allowed, to eliminate his concern with hampering traffic flow.
- Letter dated September 23, 1986, from the Conservation Commission stating that if the site plan is approved, the Commission requests that any activity generated by the construction and use of the kiosk be subject to the existing covenants recorded for the Star Market Plaza parking lot; and that this additional use be conditioned upon corrected installation of the observation wells called for in the Order of Conditions.

Attorney John C. Powers presented the site plan for the Automatic Teller Machine facility to be located in the Star Market parking lot, the proposed building to be 10'4" x 16'2", with no outside drive-up teller.

Referring to the Conservation Commission letter of September 23, Chairman Frost asked if the question of the observation wells could be taken care of at this time. The Mugar Group representative Ellen M. Lee responded that they were working very closely with the original engineers of the wells, Anderson Nichols, who are now back on the site, and have submitted samples taken from the wells to the laboratory.

Ms. Lee stated that The Mugar Group was willing to work with the Conservation Commission and address the concerns of the wells.

Selectman Wallace indicated that his main concern was the correct functioning of the wells on the site.

Fire Chief Michael C. Dunne indicated that he would have no objections to the approval of this site plan if "no parking" signs or "fire lane" signs were utilized to prevent customers from parking their vehicles and blocking access for fire equipment.

Town Treasurer Chester Hamilton spoke to the Board regarding the good relationship between BayBank Middlesex and the Town.

Following further discussion, it was on motion unanimously

VOTED: To grant a Site Plan Special Permit to BayBank Middlesex to construct a remote transaction facility, at 509 Boston Post Road, Sudbury Plaza, Limited Business District #2, owned by The Mugar Group, Inc., as shown on plan: "BayBank Middlesex, Sudbury Plaza, Sudbury, Massachusetts, X-Press 24 Facility, Revised 8/11/86", subject to review of the report filed by HMM Associates, Inc. relative to revision of curb cuts; and approval by the Board of a decision to be drafted by Town Counsel addressing the letters of:

Board of Health, dated September 24, 1986  
Fire Department, dated September 8, 1986  
Planning Board, dated September 30, 1986  
Inspector of Buildings, dated October 2, 1986  
Engineering Department, dated October 3, 1986  
Conservation Commission, dated September 23, 1986

and including the conditions that there will be no drive-up area and that no Building Permit will be issued until all Conservation Commission requirements expressed in their letter of September 23 are complied with to the satisfaction of the Commission.

The Board tentatively scheduled signing of the decision and plan on October 20.

Site Plan 86-301 Dental Arts Building

Present: Mr. Robert Dion, Architect, Dion & Sokol; and Drs. Healy & Hershberger.

Chairman Frost opened a public hearing in accordance with Sudbury Zoning Bylaws IX,V,A, to consider Application #86-301 for a Site Plan Special Permit from Drs. Healy, Kirk, and Hershberger for construction of a one-story, 5593 square foot, professional Dental Arts Building at 57 Codjer Lane, Industrial District #2, owned by A & M Realty Trust.

Executive Secretary Richard E. Thompson advised that Parties in Interest have been notified and Notice of Public Hearing had been duly posted and advertised in accordance with Sudbury Zoning Bylaws and M.G.L.c.40A.

The Board noted receipt of the following communications relative to the site plan for property located at 57 Codjer Lane:

- Letter dated October 2, 1986, from Inspector of Buildings Joseph E. Scammon, recommending approval of this site plan.

- Letter dated September 23, 1986, from the Conservation Commission expressing concern for any runoff of pollutants, especially salt, from the parking lot, requesting a clear decision from the Zoning Enforcement Agent regarding prior illegal filling within the floodplain, and stating that a New Wetlands Act filing will be necessary.
- Letter dated September 11, 1986, from Fire Chief Michael Dunne supporting the proposed plan.
- Letter dated September 24, 1986, from the Board of Health approving the plan with four conditions:
  - 1) septic system plan must be submitted for approval
  - 2) town water must be provided
  - 3) no underground storage tanks will be allowed
  - 4) the building may be used only for office or retail sales
- Letter received September 29, 1986, from Design Review Board by Planning Administrator Lee Newman, with two recommendations:
  - 1) the two sugar maple trees in the parking lot be replaced with red maple trees, a hardier variety.
  - 2) utilization of some evergreen landscaping at the rear parking elevation.
- Letter dated September 30, 1986, from the Planning Board supporting the plan in general, and recommending a note stating outdoor lighting must conform to Zoning Bylaw IX,V,I, be added to the plan.
- Letter dated September 19, 1986, from Town Engineer James V. Merloni, recommending that a standard catch basin with trap and cleanout be used within the parking area to help prevent oil and parking lot spills from reaching Hop Brook.

The Board briefly reviewed plans presented by Architect Robert Dion.

Following discussion, it was on motion unanimously

VOTED: To grant a Site Plan Special Permit to Drs. Healy, Kirk, and Hershberger to construct a one-story, 5593 square foot, professional Dental Arts Building at 57 Codjer Lane, in accordance with Application #86-301 dated August 18, 1986, as shown on the following plan: "Hop Brook Dental Center in Sudbury, Mass. owned by: A & M Realty Trust, Applicants: Drs. J. Healy, A. Kirk, W. Hershberger, Plan By: Colburn Engineering, Inc. 454 Main Street, Hudson, dated August 14, 1986"; the decision to be drafted by Town Counsel taking into consideration concerns as stated in the above mentioned correspondence; and, to be signed with the plan by the Board of Selectmen tentatively on October 20, 1986.

There being no further business to come before the Board, the meeting was adjourned at 8:45 p.m.

Attest:

Richard E. Thompson  
Executive Secretary-Clerk