

IN BOARD OF SELECTMEN  
MONDAY, JUNE 22, 1987

Present: Chairman Anne W. Donald, David A. Wallace and John C. Drobinski.

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

Utility Petitions 87-17/Concord Road & 87-16 Revision/Concord Road

Present: Edwin Kelly, Boston Edison; Louis M. Giannetti, abutter.

The Board reviewed Utility Petition 87-17 by Boston Edison Company for installation of approximately seven feet of conduit in Concord Road at Twin Pond Lane to provide electric service to a new development known as Twin Pond.

Executive Secretary Thompson noted that all appropriate abutters and Town officials had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector under dated of June 9, 1987.

After a question raised by Louis M. Giannetti of 798 Concord Road pertaining to street lighting was answered to Mr. Giannetti's satisfaction, it was on motion unanimously

VOTED: To approve Utility Petition 87-17 of Boston Edison 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: Concord Road - northeasterly approximately 1,842 feet east of Pantry Road, a distance of about 7 feet - Conduit; pursuant to plan entitled, "Boston Edison Company, Plan of Concord Rd, Sudbury Showing Proposed Conduit Location", dated April 30, 1987.

Noting that the Board had approved, on June 15, Utility Petition #86-16 of New England Telephone and Telegraph Company for 15 feet of buried cable at the approximate location of the current Boston Edison Utility Petition, Executive Secretary Richard E. Thompson advised the Board that a request for revision had been received from New England Telephone and Telegraph Company to conform with the location and length of Boston Edison conduit requested under Utility Petition 86-17.

It was therefore on motion of Chairman Donald unanimously

VOTED: To amend the Board's vote of June 15, 1986, relative to Utility Petition 87-16 of New England Telephone and Telegraph Company to read as follows:

To approve Utility Petition 87-16 of New England Telephone and Telegraph Company for permission to place and maintain buried cable, manholes, handholes, and pedestals with the wires and cables therein, markers and other fixtures in or under the surface of the following public way: Concord Road - northeasterly, 1,842 feet east of Pantry Road, at existing Pole 2/166, thence turning to Pantry Road, at existing Pole 2/166, thence turning to private way (Twin Pond Lane), a distance of about 7 feet - Buried Cable; pursuant to plan of New England Telephone & Telegraph

Company entitled "Plan for Proposed Buried Cable Locations," dated May 8, 1987, revised June 18, 1987.

Art Awards

After a brief introduction by Town Report Committee member Mary Jane Hillery regarding the art work which appeared in the 1986 Town Report and which has been on display at the Goodnow Library, approximately twenty-four awards were announced and presented to recipients present by Selectman Donald. It was also noted that the 1985 Town Report had been awarded First Place in its category by the Massachusetts Municipal Association.

Deed and Easement - Brimstone Lane/Bigelow Drive

Present: Conservation Coordinator Deborah Montemerlo.

Conservation Commission Coordinator Deborah Montemerlo requested that the Board table the acceptance and approval of an easement and deed relative to land off Brimstone Lane and Bigelow Drive to allow settlement of an issue relating to a common driveway.

The Board agreed.

Parking Tickets

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

VOTED: To authorize the Parking Clerk to renew the contract with Computer Emporium, Inc., of Newburyport, for the processing of parking tickets, in accordance with a communication dated June 18, 1987, from Police Officer Anthony M. Deldon, Parking Clerk.

Route 20 Paving/Improvements

The Board reviewed response, dated June 11, to its letter of request to C. F. Mistretta, District Highway Engineer to extend the paving to be done by the DPW from Station Road to Nobscot Road to allow implementation by the Town of certain short-term traffic improvements in this area and directed that a copy be sent to the Route 20 Task Force. Although Mr. Mistretta's letter was unresponsive to the Board's request, upon the recommendation of the Executive Secretary, the Board directed that its request be pursued through Michael Meyer, Director, Bureau of Transportation Planning and Development, and through State Department of Public Works Commissioner Tierney, if necessary. The Board also directed the Executive Secretary to seek clarification from Mr. Mistretta regarding his "understanding that they [the short-term traffic improvements] are all being addressed on other projects."

Town Insurance

Executive Secretary Richard E. Thompson recommended that the Board accept the recommendation of the Town's insurance consultant, Betterley Risk Consultants, dated June 16, 1987, relative to the acceptance of the Massachusetts Interlocal Insurance Association (MIIA) proposal for workers'

compensation for FY88. Mr. Thompson suggested and the Board agreed that it should seek to obtain broader coverage and increased limits for Police and Fire accident insurance coverages through a limited competitive bidding as suggested by Betterley.

It was therefore on motion unanimously

VOTED: To authorize the Chairman to sign Application and Member Agreement with MIIA Workers' Compensation Group, Inc. for the purpose of providing benefits prescribed by the Massachusetts Workers' Compensation Law for employees of the Town of Sudbury for FY88.

#### Town Forum

At 8:00 p.m. Chairman Donald convened the 172nd Session of the Town Forum, a copy of which is attached and made part of these minutes.

#### Lowell-Sudbury Bicycle Path Feasibility Study

Present: Nancy Clinton and David Roddy representing the Bike Trail Abutters Committee; Deborah Montemerlo, Conservation Coordinator; approximately ten abutters.

The Board was in receipt of the Draft "Lowell-Sudbury Feasibility Study", dated May 1987, prepared by the Central Transportation Planning Staff (CTPS), in conjunction with the Northern Middlesex Area Commission (NMAC) and the Metropolitan Area Planning Council (MAPC), which had been reviewed by members in preparation for public discussion at a meeting in Concord on June 16. The Board also noted receipt of a communication, dated June 15, 1987, with attached comments on the Draft from Nancy Clinton and David Roddy of the Bike Trail Abutters Committee.

Ms. Clinton reiterated the request of the Bike Trail Abutters Committee and urged the Selectmen to delay in responding to the State to request that the preliminary design stage be initiated until such time as a Town Forum, preferably a Town Meeting, can provide input on the issue. Ms. Clinton stated that the Concord meeting, in her opinion, underscored the concerns of the Abutters Committee.

Town Liaison for the Project, Conservation Coordinator Deborah Montemerlo stated that one of the Conservation Commission's major concerns, the issue of funding for maintenance of the trail, had been resolved since reimbursements to the Town would be made through means of the Cherry Sheet. Other issues, she believed, would be addressed in the preliminary design phase.

Executive Secretary Richard E. Thompson recommended that the Selectmen convene a public hearing with the assistance of the Abutters Committee relative to notification to those directly affected no earlier than the fall. Mr. Thompson noted that the Board had voted to support the concept of the bike trail, subject to concerns of the Conservation Commission and Bike Trail Abutters Committee being addressed. It is, therefore, his recommendation that the Selectmen request the State to proceed with the preliminary design stage after such a public hearing, since pending legislation if enacted would allow the Selectmen to approve or disapprove the project.

Mr. David Roddy of the Bike Trail Abutters Committee reiterated some of the Committee's concerns relative to use, motorized vehicles, parking, etc. and stated that he would like something in writing from the State affirming that the Town would be able to back out at any time if it so desired. He requested that since many of the issues involve safety and policing, the involvement of the Police Chief should be sought.

Abutter Margaret Harty stated that she did not like to see the escalation of the project before answers were obtained and another abutter, a new resident, noted that had he known of the plan, he would have considered it when choosing a place to live.

Chairman Donald stressed that some of the concerns could only be addressed through the preliminary design phase.

In response to Mr. Roddy's desire for written affirmation from the State, Mr. Thompson stated that legislation precludes the necessity of written assurance from the State relative to backing out of the program. Noting that no official requirement for a hearing and no deadline for reponse were set forth, Mr. Thompson advised that a public opinion advisory question could be placed on a Town Election ballot by the Selectmen at the request of the Committee and that this would provide a better avenue to obtain public opinion relative to Sudbury's desire for the bike trail.

Upon recommendation of the Executive Secretary, the Board expressed its agreement that it would not request the preliminary design phase until it had conducted a public hearing, unless the State advises otherwise.

Ms. Montemerlo stated that she would contact the State planning agencies relative to their timetables for the project and advise the Board accordingly.

Site Plan 86-302-2/DiGiandomenico, 344 Boston Post Road

Present: Sheldon Pitchel, Esq., Engineer Bruce Ey, Schofield Bros. and Karen Atkins, representing applicant James S. DiGiandomenico; Building Inspector Joseph Scammon; Joyce Fantasia, Design Review Board.

Chairman Donald opened a public hearing in accordance with Sudbury Zoning Bylaws, IX,V,A, to consider Application #86-302-2 of James S. DiGiandomenico for a Site Plan Special Permit for conversion of a residence to an office building and construction of a six space parking area in front of the existing building with a standard state curb cut onto the Boston Post Road, at 344 Boston Post Road, Business District #3 (building and frontage) and Residence A-1 (rear of property), owned by James S. DiGiandomenico.

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 proposed site plan:

- Letter dated June 18, 1987, from Inspector of Buildings Joseph

Scammon recommending approval if a landscape plan is provided and approved.

- Letter dated June 4, 1987, from Town Engineer I. William Place, indicating that: access to reserve parking spaces would be difficult without reconstructing the proposed retaining wall and constructing a garage under the existing building; having two access driveways is at variance with the Zoning Bylaw; approval of storm water control method would require determination that water table is below the bottom of the leaching facility and the percolation rate is less than 30 min/in.; design of retaining wall should be performed by Registered Structural Engineer, submittal of landscaping plan is required; method of refuse disposal should be indicated on plan; utility pole in present location would present a problem for vehicle access and egress until time of its removal; permits must be obtained for curb cut and driveway.

- Letter dated June 19, 1987, from the Planning Board, recommending disapproval based on the premise that the construction of the parking spaces at the front of the property would destroy an effective landscape and visual buffer between the building and Rt. 20, and the approval of the same would set a precedent for the development of other Rt. 20 properties. The Planning Board expressed its willingness to work in conjunction with other Boards and the Town Engineering and developer on alternatives to the proposed parking scheme.

- Letter dated June 22, 1987, from the Board of Health recommending approval provided Town Water is provided to the building and the pumps and alarms are installed in accordance with the sewage disposal system plan.

- Letter dated June 18, 1987, from the Fire Chief recommending disapproval stating problems with use of and rear access for emergency apparatus on site.

- Letter dated June 18, 1987, from the Conservation Commission recommending approval contingent on a provision reducing or eliminating salting of the parking area.

- Notice of Decision stating the affirmative vote of the Board of Appeals on May 5, 1987 to grant a variance from Seciton V,A,7 of the Zoning Bylaw to allow six parking spaces and a variance from Section V,C,9,d to allow this reduced number of spaces to be located in the front of the existing building.

- Letters dated June 17 and 22, 1987 from the Historic Districts Commission recommending disapproval on the basis that such a major alteration of the terrain would constitute an "unconscionable affront to the traditional landscaping appearance of this [King Philip] historic district."

- Letter dated June 22, 1987 from the Design Review Board, stating its stong opposition to the plan and expressing its willingness to work with the applicant on a compromise plan.

Engineer Bruce Ey presented the proposed site plan and stated that the applicant had appeared before the Board on December 8, 1986 with a plan which showed the parking area to the rear of the business-zoned building which accommodated the applicant's desire to preserve the natural character of the land, but required a variance from the Board of Appeals for parking in a residential zone. The applicant withdrew his application without prejudice at that time, and faced with strong opposition to the plan by the abutters, sought relief from the Board of Appeals in the form of a variance from the number of required parking spaces from ten to six, and a variance to place the parking in the front of the building as is shown on this plan. Physical accomplishment of this on the site requires a wide entrance narrowing to approximately 25 ft., an eleven-foot high retaining wall, two catch basins; emergency access to the rear is provided via the existing driveway. The applicant is in the process of obtaining a curb cut from the State. Mr. Ey was of the opinion that the design for the driveway met the standards of the Town, although the applicant has not applied for the permit. Relative to the Fire Chief's concern for emergency access to the rear and the Town Engineer's concern over two access driveways, Mr. Ey stated that it was the intent to use the existing drive for emergency access only, and that it would not be used for other vehicular access. He noted that the retaining wall had been designed by a Registered Structural Engineer and that percolation test results had been provided to the Town Engineer. He also noted that a more detailed landscape plan was needed and would be provided.

In response to questions from Selectman Wallace it was ascertained that the building itself is located in the business zone, which was thought to have been established in the 1950's, and when formerly used as a residence it was therefore a non-conforming use. Assistant Town Counsel David Doneski noted that the King Philip Historic District was established in 1972. The building has now been restored for use as a low-intensity business by its owner but can revert to a residential use if that use has not been abandoned for a period of three years.

Selectman Wallace stated that it was his feeling to do what is proposed is detrimental, that it would be practical to have a small parking area in the rear designed to respect the privacy of the abutters.

Executive Secretary Richard E. Thompson stated that it was his recommendation, in the spirit of the letter from the Design Review Board, to continue the hearing by mutual consent to July 6 in order to allow the applicant and various Boards and Town officials to work out an acceptable compromise.

Mr. Ey commented that there may still be a problem with the slope of the driveway and the egress, not on the basis of past use, but on the basis of the Town Engineer's review.

Attorney Pitchel represented that the plan before the Board is a result of compromise and that his client wants to use the building for what is was intended, a business.

Ms. Joyce Fantasia of the Design Review Board commended the applicant for the fine restoration and commented that the previous proposal with the parking in the rear had been acceptable to the Design Review Board. The Board was

taken by surprise by this new application since it had not been aware that the variance sought by the applicant was for parking in the front rather than in the residence zone as expected. Ms. Fantasia proposed, as stated in the Board's letter, that a compromise be worked out for a parking area close to the building in the rear.

Mr. Ey stated that if a continuance was agreed upon to July 6, his concern would be that 45 to 60 additional days would be required to appear before the Board of Appeals, and that if the variance was not granted by that Board, then the applicant would still not have an approved site plan. Mr. Ey requested the Board's commitment that should this happen, the present plan would be approved.

Mr. Thompson stated that the Board could not make such a commitment.

Consent having been obtained from the applicant's representatives, it was on motion by Chairman Donald unanimously

VOTED: To continue the hearing relative to Site Plan Special Permit Application 86-302-2 of James S. DiGiandomenico, for property located at 344 Boston Post Road, to July 6, 1987, at 9:00 p.m.

#### Appointments - Police Officers

Present: Lt. Ronald Nix, John J. Skinnion, Laura J. Zaccone.

Lt. Nix prefaced his introductions of final candidates for appointment to the Sudbury Police Department, John J. Skinnion and Laura J. Zaccone, by remarking that the Town was fortunate to have so many qualified applicants seeking appointment, many of them Sudbury residents. Both of the candidates are Sudbury residents and both are currently performing police work - Mr. Skinnion in security with Jordan Marsh Co. and Ms. Zaccone as a Police Officer with the Department of Mental Health at the Fernald School.

Executive Secretary Richard E. Thompson stated that interviews were conducted with five candidates by Police Chief Peter Lembo, Lt. Ronald Nix and himself resulting in the recommendation from Police Chief Peter Lembo, dated June 17, 1987, to appoint Mr. Skinnion and Ms. Zaccone. It was noted that Ms. Zaccone would be the first woman Police Officer hired in Sudbury.

Lt. Nix added that background investigations had been completed of the two candidates and presented reports of the same, dated June 22, 1987 to the Board for the record.

It was on motion by Selectman Wallace unanimously

VOTED: To appoint John J. Skinnion, 49 Brookdale Road, Sudbury, Massachusetts, from Department of Personnel Administration Certification List #87-1275, dated May 12, 1987, as a full-time Police Officer in the Sudbury Police Department to fill the vacancy occasioned by the retirement of Raymond M. Woodward, said appointment to be effective August 31, 1987 and subject to the candidate successfully passing a physical and psychological examination and obtaining a certificate of successful completion from the State Police Academy; and to authorize the Executive Secretary to sign all documents related thereto.

It was also on motion by Selectman Wallace unanimously

VOTED: To appoint Laura J. Zaccone, 45 Dawson Drive, Sudbury, Massachusetts, from Department of Personnel Administration Certification List #87-1275, dated May 12, 1987, as a full-time Police Officer in the Sudbury Police Department to fill the vacancy occasioned by the resignation of Earle D. Ryder, said appointment to be effective August 31, 1987 and subject to the candidate successfully passing a physical and psychological examination and obtaining a certificate of successful completion from the State Police Academy; and to authorize the Executive Secretary to sign all documents related thereto, including an additional requisition pertaining to the Ryder vacancy required by the Department of Personnel Administration.

Town Insurance - SMP/Fleet

The Board noted receipt of memorandum dated June 19, 1987, from Budget Analyst Terri Ackerman setting forth recommendations made by the Town's insurance consultant, Betterley Risk Consultants relative to property, liability, and auto insurance proposals received from the Massachusetts Interlocal Insurance Association (MIIA), the Town's present carrier Middlesex Insurance Co., and New England Safety Insurance Collaborative (NESIC).

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

VOTED: To accept the proposal of Middlesex Insurance Company to provide property, liability and auto insurance to the Town for the period July 1, 1987 through June 30, 1988, and further, to authorize the Executive Secretary to sign any required authorization or other documents relative to such acceptance.

Mr. Thompson noted that a decision on umbrella coverage will be made in July when Betterley has surveyed the market and ascertained the needs of the Town.

Phase I Traffic Study Payment

The Board commended and expressed its appreciation to Route 20 Task Force Chairman Susan LaTour for the analysis involved in formulating a recommendation, dated June 10, 1987, relative to HMM Associates' request for additional compensation for Phase I of the Townwide Traffic Study.

It was on motion of Chairman Donald unanimously

VOTED: To pay HMM Associates an additional \$2,243.50 for Phase I of the Townwide Traffic Study, subject to the provision that the Traffic model (XNET) deliverable is compiled and transferred to the Town with user documentation in accordance with the terms of the contract, and otherwise in accordance with the recommendations of the Route 20 Task Force Committee Chairman.

Sale of Excess Hosmer House Articles

The Board was in receipt of a list of items, dated June 16, 1987, provided by Lyn MacLean, Sudbury Historical Commission Chairman, which the Commission regards as being excess for reason of disrepair, duplication or uselessness for the Hosmer House restoration and which the Commission wishes to sell at the 4th



of July Yankee Doodle Yard Sale. It was noted that the list had been submitted to the Ancient Document Committee in accordance with Town Bylaws, Article XII.

It was on motion unanimously

VOTED: To authorize the Sudbury Historical Commission to sell certain articles contained in the Hosmer House and listed in a communication dated June 16, 1987, at the July Fourth Yankee Doodle Yard Sale, pursuant to Article XII of the Sudbury Bylaws, subject to comment, if any, from the Ancient Documents Committee.

Appointments - Sudbury 350th Anniversary Celebration Committee

At the request of the Sudbury 350th Anniversary Celebration Committee, it was on motion of Chairman Donald unanimously

VOTED: To appoint James Lowell, 89 Concord Road, and Ruth Brown, 7 Pheasant Avenue, to the Sudbury 350th Anniversary Celebration Committee.

Street Acceptances

The Board was advised that the action of the Board on June 1, 1987, relative to street acceptances, precluded recording of the Orders of Taking within thirty days as FY88 funds allocated by Town meeting for this purpose were not available on the date mandated by statute for recording.

It was therefore on motion

VOTED: To rescind action of the Board of Selectmen on June 1, 1987 of signing Orders of Taking relative to streets accepted by the 1987 Annual Town Meeting, and further, to sign Orders of Taking dated June 22, 1987, pursuant to the 1987 Annual Town Meeting vote under Article 8 accepting Crescent Lane, Douglas Drive, Fox Run, Mark Lane, Saddle Ridge, and Wildwood Lane. (Whereupon said Orders of Taking were signed by the members of the Board and duly notarized.)

Accept Drainage Easement

It was on motion unanimously

VOTED: To accept a Drainage Easement given by Farm Hollow Realty Company, Inc., sole General Partner with Tall Woods Associates Limited Partnership, and Joseph L. Maillet, Trustee of J & M Realty Trust, for property located off Tall Pines Drive and shown on plan entitled, "Modified Definitive Subdivision Plan of Tall Pines - Sudbury, Mass." by Colburn Engineering, Inc., dated March 25, 1987, revised June 1, 1987.

Zoning Enforcement - Sudbury Automotive, 209 Boston Post Road

Executive Secretary Richard E. Thompson informed the Board that he, Assistant Town Counsel, and the Building Inspector/Zoning Enforcement Agent had met with Robert Pearlman owner of Sudbury Automotive, located at 209 Boston Post Road, and his attorney Arthur Pearlman to discuss sign violations and unfulfilled conditions of a 1983 site plan amendment. Mr. Thompson reported that the owner will apply to the Board of Appeals with respect to the price

sign, will be setting up a meeting relative to landscaping, and will proceed to implement replacement of the existing lighting with new lights as allowed by variance from the zoning bylaw granted in 1984 by the Board of Appeals. Mr. Thompson stated that he put the owner on notice about a general cleanup of the area and intends to have the Conservation Commission Coordinator investigate the filling and dumping to the rear of the property.

At the close of discussion, upon the recommendation of the Executive Secretary it was on motion of Chairman Donald unanimously

VOTED: To express to the Board of Appeals the Board's opposition to any application/appeal to be made by Sudbury Automotive for which approval would result in legitimizing the free-standing pricing sign.

Brush Disposal/Resource Recovery

Chairman Donald reported that she had a complaint from a citizen as to there being no place to dispose of brush after the storm unless it was chipped since the Davis Land stump dump will not accept brush.

Mr. Thompson stated that unfortunately that is the case and property owners have to find a place on their own property or have the brush chipped with one exception, noting that in cases of extreme hardship where an elderly person is concerned the Town has helped the person.

Mr. Thompson reported on his attendance in New Hampshire at a two-day resource recovery workshop which was also attended by Linda Bolton of the Resource Recovery Committee. He and Ms. Bolton are reviewing the material and information gained for possible recommendations for the Town, and at some point the Board and the Resource Recovery Committee will be meeting in joint session for discussion.

Chairman Donald suggested that the brush removal question might also be referred to the Committee.

Donation - Memorial Day Committee

It was on motion unanimously

VOTED: To accept with appreciation a donation of plants, representing a cost of \$464, from J. P. Bartlett Co., Inc., 578 Boston Post Road, on behalf of the Town of Sudbury Memorial Day Committee.

MetroWest Funding

In accordance with a communication from Jean Thurston, MetroWest Growth Management Committee, dated June 17, 1987, it was on motion of Selectman Drobinski unanimously

VOTED: To direct the Executive Secretary to express the support of the Board of Selectmen on behalf of the Town of Sudbury for the passage of Senate Budget Line Item #3743-2033 which will provide funding for MetroWest and Minuteman Area Group for Interlocal Cooperation (MAGIC).

Appointment of Election Officers

The Board noted receipt of a communication dated June 15, 1987, from the Town Clerk stating that four of the Democratic Town Committee nominees for appointment have not been available or have been available only on a limited basis in the past and she does not recommend their appointment, emphasizing that especially in a major election year such as this one, a full complement of available election officers is essential.

Mr. Thompson reported that a new name has been substituted for one of the candidates by the Democratic Town Committee and the Committee continues to recommend the other three candidates.

Reward - Car Fire

On the recommendation of the Executive Secretary and at the request of the Police Chief on June 17, under the authority of M.G.L. c.40 §5(17) and c.276 §10, it was on motion unanimously

VOTED: To offer a reward of \$1,000 to anyone who supplies information or assistance in obtaining a conviction relative to the recent car fire incident on Stock Farm Road.

Attest: \_\_\_\_\_  
Richard E. Thompson  
Executive Secretary-Clerk