

IN BOARD OF SELECTMEN  
MONDAY, SEPTEMBER 28, 1987

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

Appointment - Long Range Planning Committee

Present: Applicant Darlene Caldwell.

The Board reviewed application of Darlene Caldwell for the position on the Long Range Planning Committee. After discussion with Mrs. Caldwell, and upon recommendation of the Long Range Planning Committee dated September 19, 1987, on motion of Chairman Donald, it was unanimously

VOTED: To appoint Darlene Caldwell, 1031 Boston Post Road, to the Long Range Planning Committee, to fill the position formerly held by Robert D. Abrams, for a term to expire April 30, 1990.

Fiscal Year 1987-88 Tax Rate

Present: Town Accountant James Vanar; Linda Z. Buxbaum, Patrick J. Delaney, III, and Thomas H. Hillery of the Board of Assessors; Assistant Assessor Daniel A. Loughlin; Town Clerk Jean M. MacKenzie; Town Treasurer Chester Hamilton.

Executive Secretary Thompson stated that notice of this public hearing to determine what percentage of the local tax levy will be borne by each class of real and personal property relative to setting the Fiscal Year 1987-88 tax rate was duly published on September 17 and 21, 1987, with copies to the appropriate Town departments. The Board acknowledged receipt of letter from Mrs. Stephen Cares of 18 Singletary Lane, who recommends the Board maintain the factors as in previous years.

Town Accountant James Vanar submitted computation sheets setting forth the various residential and commercial rates and percentage of change based on an ascending scale of the residential factor, which he explained at a minimum must be 0.915609. Mr. Vanar handed out a sheet entitled "Sudbury - Fiscal 1988 Property Tax Alternatives", prepared by the Board of Assessors, which listed a "Lowest Residential Tax" at the residential tax rate of \$17.00 and the commercial tax rate of \$27.86, based on a 0.9156 factor; a "Medium Residential Tax (equal % increase)" at the residential tax rate of \$17.25 and the commercial tax rate of \$26.38, based on a 0.9290 factor; and a "Highest Residential Tax" at the residential tax rate of \$18.57 and the commercial tax rate of \$18.75, based on a 1.0000 factor.

The Board of Assessors had no recommendation for the Board of Selectmen, but pointed out that last year's tax rate was an "equal dollar" increase.

Town Clerk Jean M. MacKenzie stated that, as a citizen, she is requesting the Board consider a residential exemption and a residential tax factor of 0.9156. It is her opinion that, by keeping the residential rate as low as

possible, it will help the elderly keep their homes instead of being forced out because of increasing costs.

Board of Assessors member Patrick J. Delaney, III, suggested the Board consider that, although in recent memory there has been an astounding growth in commercial property, the trend is now shifting to a large expansion of residential property. Assistant Assessor Daniel A. Loughlin added that since fiscal 1982 the percentage of the commercial class has stayed within two percent, and that many millions of dollars are now going into residential growth.

After further discussion, upon recommendation of Executive Secretary Thompson, it was on motion of Chairman Donald unanimously

VOTED: To assess no ten percent residential exemption and no open space exemption; to compute the Fiscal Year 1987-88 tax rate based on a factor of 0.929312, which will give an equal dollar increase and a tax rate of \$17.26 for residential and \$26.35 for commercial, industrial and personal property.

#### TOWN FORUM

At 8:00 p.m., Chairman Donald convened the 173rd Session of the Town Forum, a copy of the minutes of which are attached hereto and made a part hereof.

#### Grace Desjardin, d/b/a Coach House Inn - Application/Full Liquor License

Present: Applicant Grace Desjardin; J. Owen Todd, Esquire; approximately thirty residents.

At 9:15 p.m. Chairman Donald convened a public hearing regarding application dated September 3, 1987, of Grace E. Desjardin, d/b/a Coach House Inn, Inc., 738 Boston Post Road, for (1) grant of an Innholder's All Alcoholic Beverages License; (2) modification of current Innholder's License to allow full food and beverage service in dining room and new function room; and (3) modification of the Selectmen's March 28, 1984 approval of Site Plan application 84-278 to allow the above.

Executive Secretary Thompson noted receipt of the following:

1. Letter dated September 28, 1987, from Fire Chief Michael Dunne, offering no objection to granting an all alcoholic beverage license and a full unrestricted restaurant license to Coach House Inn;
2. Letter dated September 25, 1987, from Inspector of Buildings Joseph E. Scammon, recommending approval of the license and modification of the site plan vote;
3. Memorandum dated September 25, 1987, from Conservation Coordinator Deborah Montemerlo, noting no objections from a conservation standpoint to granting an alcoholic beverage license provided that such use does not require an expansion of the septic system leaching trenches;

4. Letter dated September 25, 1987, from Board of Health Director Michael J. Sullivan, summarizing that Board's votes in March 1986 denying request for full service restaurant; September 1986, approving extension of food service hours to 2:00 p.m. and approving request to serve alcohol in the restaurant; and June 1987, approving request to offer one special function per day for a maximum of forty people per function;

5. Copy of Board of Appeals Vote of August 25, 1987, granting Coach House Inn renewal of Special Permit #86-52, to operate an inn, conditioned only upon (1) the westerly access (at the intersection of the Post Road and Lafayette Drive) shall be closed to all regular vehicular traffic and shall be access only for emergency vehicles; (2) no lighting affixed to the rear of the building; (no live entertainment on the premises (either inside or outside); (4) the stockade fence and natural plantings (screening) shall be continually maintained and if damaged or destroyed, it shall be repaired or replaced within two weeks from such damage or destruction; (5) no rubbish pickup prior to 10:00 a.m. or after 6:00 p.m.; and (6) the permit being non-transferable and shall expire in one year on September 1, 1988, and the Board will consider renewal on or before that date upon receipt of proper application.

6. Verbal report taken September 22, 1987, from Police Chief Peter B. Lembo, stating no objection to issuance of an unrestricted all alcoholic beverage license to the Coach House Inn;

7. Approximately fourteen letters from residents expressing support for grant of the Application herein referred to;

8. One letter from a resident expressing opposition to grant of the Application herein referred to.

Chairman Donald recognized J. Owen Todd, Esquire, who asked the Board to allow him to make a presentation on behalf of applicant Grace Desjardin. Attorney Todd gave a brief history of Mrs. Desjardin's ownership of the property located on Route 20, and pointed out that she has been a resident of Sudbury for thirty years. The location of the Inn, he explained, is in a business-zoned district and was the former site of a motel which had been in existence for approximately fifty years. Mrs. Desjardin and her late husband purchased the property in the late 1960's and operated a hotel and antiques store on the premises. After Mr. Desjardin's death, Mrs. Desjardin constructed the new building which is the Coach House Inn. Mr. Todd continued, stating that special permits were issued by the Board of Appeals in 1985, 1986 and 1987 permitting the location and premises to be operated as an Inn. In 1985 and 1986, the Board of Appeals attached certain restrictions to the use of the property; i.e., no alcoholic beverages to be served, limited meals and no functions. As referenced in item 5 above, the Board of Appeals voted to issue the special permit without the restrictions. Mr. Todd stated he is therefore requesting that the Board of Selectmen allow the site plan to be modified to coincide with the special grant of permit.

Mr. Todd went on to state that the Board of Health has approved the serving of meals to 2:00 p.m.; the functions may allow a maximum of forty guests. The premises cover 90,000 square feet and services 37 units. The Inn has a dining area and gift shop, and the lawn coverage on this 2-1/2 acre site is approximately 18% of the property.

In terms of showing a "public good", which Mr. Todd acknowledged is a concern of the Board, he stated its use as an inn at that location does serve the public good, since it is the only Inn in Town with the exception of the Wayside Inn, which has eight or nine rooms. He stated the Inn has been contacted by a number of local groups who have expressed an interest in having luncheons and other business functions at the Inn due to its attractiveness and location.

Mr. Todd pointed out that pursuant to M.G.L. c. 140 §2, an Inn is required to have food available to its guests. He stated that inns fall into two categories, (1) first-class and (2) budget motel. It is Mrs. Desjardin's intention, Mr. Todd emphasized, that Coach House Inn be a first-class inn, maintaining high standards for its guests.

Mr. Todd concluded his presentation by reminding the Board that there had in the past been concerns voiced by some residents that allowing a full liquor license for the Inn would result in drunk drivers dangerously exiting the parking lot and jeopardizing the safety of travellers of Route 20. Mr. Todd expressed his firm belief that a review of the past guests of the Inn would show that they would not be the derelict type of individual who visit the Inn to get drunk and then drive away.

Geraldine C. Nogelo of 19 Washington Drive read a prepared statement stating firm opposition to the application. Mrs. Nogelo believes that the original site plan approved a motel on that site, not a restaurant, lounge, function room, open to the public. She requested the Board keep in mind that there are three other establishments in the immediate area that hold a liquor license: "99", American Legion, and Bullfinch's. She requested the Board make certain that the number of parking spaces on the site will meet the specifications and bylaws for a motel, restaurant, lounge and function room. It is her opinion that, although the Inn is zoned as business property, the surrounding areas are mainly residential and she is concerned with the increased traffic in that area and, especially concerned about drunk drivers. She further requested the Board consider the density of the land and the septic system. She informed the Board she has maintained a file which contains numerous copies of violations against the Inn, including Building Code violations.

Mr. Todd responded to Mrs. Nogelo by explaining that the license is not for a motel but for an inn, and that license carries a requirement that food be available for its guests. He stated running a restaurant is a permitted use. With regard to her concern about the septic system, he stated that the Board of Health has approved the proposed modifications. As to the parking situation, Mr. Todd stated that Mrs. Nancy C. Grellier, President of the Want Advertiser, which property abuts the Inn, has submitted a written offer to Mrs. Desjardin for use of the Want Advertiser's parking spaces if additional parking is needed to accommodate the expanded services.

Donald Barbour of 39 Washington Drive stated that he is the only residential abutter to the Inn and gave his wholehearted approval to the granting of the application.

Estelle Simon of 27 Surrey Lane read a prepared statement in support of the granting of the application.

Edward A. Sokoloff of 3 Washington Drive voiced his opposition to the granting of the application, and stated he represented the overwhelming majority of the people who reside along the Longfellow Road area behind the Inn. His principal objection is based on the fact that Mrs. Desjardin, in seeking original approval to construct the Inn three years ago, personally and through her then-attorney John Powers, made representations to the various boards and departments of the Town that she would never seek a liquor license or expand the use of the Inn for food. He believes there is a fraud being committed upon every board of this Town.

Mr. Sokoloff stated that it is his belief that the Board of Appeals has been watching over this project for the past two years because there were violations. He further stated it was his opinion that the application filed with the Board of Appeals indicating a shortage of two parking spaces means there is inadequate parking on the site.

Mr. Sokoloff concluded by asking the Board to consider if it is in the public interest of the Town to have within .3 of a mile three facilities where there is the drinking of alcoholic beverages, four if one includes the American Legion within that area.

Chairman Donald pointed out to Mr. Sokoloff that a person is entitled to come back at a later time with proposed changes, so long as it is within the bylaws. She further stated that this is not the first occasion that a restaurant has come back and requested an expansion of services.

Lillian A. Kelly of 14 Barton Drive stated that she has worked at the Inn since it opened and believes Mrs. Desjardin is responding to the needs and requests of the people who stay at the Inn.

Donald Barbour of 39 Washington Drive wished to go on record confirming his support for Mrs. Desjardin and stating that Mr. Sokoloff is not speaking for him and his family, who are some of the people who reside in the area.

Anne D. Bigelow of 16 Curry Lane wished to go on record as stating that Mr. Sokoloff is not speaking for her and she supports Mrs. Desjardin's application.

Patricia Hewitt, an employee of the Inn, wished to point out that Mr. Sokoloff has in the past represented Bullfinch's for grant of the same type of license, which is one of the drinking establishments he is including in the .3 mile area he is concerned with. She wondered if he has a conflict of interest in opposing the granting of this application. She further informed the Board that the publicity generated at the last hearing on the Inn resulted in a number of inquiries regarding functions. These functions, she pointed out, were for Sixteenth birthday parties (3); christenings (5); and business meetings (DEC and Raytheon).

Other residents came forward and offered support to Mrs. Desjardin.

Selectman Wallace stated that good points were raised on both sides of the issue. He explained that last year, Mrs. Desjardin had made an application, which she withdrew with the Board's permission. He stated that it was clear at that time that the Board of Appeals Special Permit had expired and

Mrs. Desjardin was operating without a permit. She subsequently rectified the situation and obtained the permit, with restrictions. Mr. Wallace stressed the fact that there will be no public bar on the premises; it is a service bar only.

Selectman Drobinski confirmed that the liquor license is not personally owned and that it is effective for a calendar year. He emphasized that the license can be revoked at any time for a violation. He expressed his opinion that he is bothered by the past representations made by Mrs. Desjardin and her then-attorney not to seek what she is now seeking.

After further discussion, it was on motion of Chairman Donald

VOTED: To grant a license to sell all alcoholic beverages as an innholder to Coach House Inn, Inc., Grace Desjardin, Manager, on the following described premises: 738 Boston Post road, two-and-a-half story building. Basement: lobby, gift shop, function room, office, four storage rooms, laundry, mechanical room, electrical room; two exits on north side and one exit on east side. First Floor: dining room, kitchen, service room, seventeen guest rooms, one guest suite, exit on south and west sides. Second floor: twenty-one guest rooms, one guest suite, service room, vending room; and it was further

VOTED: To modify the vote of March 28, 1984, relative to approval of Site Plan 84-278, Coach House Inn, 738 Boston Post Road, Grace Desjardin, applicant, as follows: amend stipulation (1) report dated January 17, 1984 from the Board of Health, by adding the words, "conditions numbered 1 and 3 only; specifically that the Conservation Commission locates the boundaries of the wetlands and the leaching facility serving the motel is 75 feet from these wetlands, and that Town water will be provided."; and it was further

VOTED: To modify the vote of July 1, 1985, granting an Innholder License to Coach House Inn, 738 Boston Post Road, Grace Desjardin, applicant, by deleting therefrom the words:

- " - a maximum of 30 seats in the restaurant area;
- breakfast may be served seven days a week between the hours of 6:00 a.m. and 11:00 a.m.;
- brunch may be served on Sunday, in addition to breakfast, until 2:00 p.m., subject to the approval of the Board of Health;"

and substituting therefor the words:

"Board of Health approval as it relates to seating capacity and septage system requirements."

(AS TO EACH VOTE: CHAIRMAN DONALD, AYE; SELECTMAN WALLACE, AYE; SELECTMAN DROBINSKI, OPPOSED).

Appointment - Special Constable - Raytheon Company

The Board reviewed letter dated September 17, 1987, from Lieutenant H. B. Hall, Raytheon Security Guards, Raytheon Company, to Chief of Police

Peter B. Lembo, requesting the deletion of Robert L. Baylis from the list of Traffic Duty Guards and the addition of Oscar T. Drinkwater thereto.

On motion of Chairman Donald, it was unanimously

VOTED: To delete from the original list of Raytheon Security Guards for Traffic Duty Robert L. Baylis of 80 Squaw Road, Lancaster, as he is no longer employed by Raytheon Company; and to appoint Oscar T. Drinkwater of 34 Beverly Circle, Attleboro, as new Special Constable, Non-paid, for Traffic Duty Only, at Raytheon Company to replace Robert L. Baylis.

Inclusion in MDPA Examination for Police Sergeants

The Board reviewed letter dated September 22, 1987, from Chief of Police Peter B. Lembo, requesting a civil service departmental promotional examination for police sergeants.

On motion of Chairman Donald, it was unanimously

VOTED: To authorize the Executive Secretary to request Sudbury's inclusion in the Massachusetts Division of Personnel Administration's examination for police sergeants to be held in April of 1988, and to further authorize the Executive Secretary to sign the appropriate documents related thereto.

Cancellation of Meeting of October 12, 1987

After discussion, it was on motion unanimously

VOTED: To cancel the Board's regular meeting of October 12, 1987, due to the Columbus Day holiday.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the meeting of September 21, 1987, as submitted.

Dinner in Honor of Josiah F. Frost

Executive Secretary Thompson reminded the Board that the dinner in honor of past Selectman Josiah F. Frost would be held Wednesday, September 30, 1987, at Hillary's Restaurant, Route 20, Wayland, at 6:00 p.m.

Transfer Request No. 88-8

The Board reviewed Transfer Request No. 88-8 by the Police Department for the installation of equipment in cruiser which replaced vehicle totalled in automobile accident.

On motion of Chairman Donald, it was unanimously

VOTED: To approve Transfer Request No. 88-8 by the Police Department in the amount of \$1,286.00 from Reserve Fund to Account 820-510 Police Equipment, for

the installation of a spot light, prisoner screen, Lo-Jack system and the replacement of overhead bar light, in vehicle replacing the 1987 Ford Sedan totalled in an automobile accident dated September 8, 1987.

There being no further business to come before the Board, the meeting was adjourned at 11:00 p.m.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk