

OK

IN BOARD OF SELECTMEN  
MONDAY, NOVEMBER 21, 1988

Present: Chairman David A. Wallace and Judith A. Cope.

The statutory requirements as to time and place having been fulfilled, Chairman Wallace called the meeting to order at 7:35 p.m. at lower Town Hall.

Utility Petitions Nos. 88-15, 88-18 and 88-19 - Brimstone Ln., Nobscot Rd. and Concord Rd.

Present: Boston Edison Company representative Stephen Kane; abutters David J. and MaryAnn K. Clark.

Executive Secretary Richard E. Thompson noted that all appropriate abutters had been notified relative to the Utility Petitions before the Board, and approval had been recommended by the Inspector of Buildings and Wiring Inspector relative to UP88-15 under date of November 4 and relative to UP88-18 and UP88-19 under date of November 16, 1988.

The Board reviewed Utility Petition No. 88-15 by New England Telephone and Telegraph Company and Boston Edison Company for the laying of conduit within Brimstone Lane to provide service for a new home at #171 Brimstone Lane (Land Realty).

On motion of Chairman Wallace, it was unanimously

VOTED: To approve Utility Petition No. 88-15 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay and maintain a distance of about 4 feet of conduit under Brimstone Lane - northwesterly approximately 1630 feet southwest of Boston Post Road; and shown on plan of Boston Edison Company entitled "Plan of Brimstone Ln. - Sudbury", dated October 12, 1988; and New England Telephone and Telegraph Company's "Plan for Proposed Conduit Location", N.E.T. & T. No. 88-12, dated October 27, 1988.

The Board reviewed Utility Petition No. 88-18 by New England Telephone and Telegraph Company and Boston Edison Company for the installation of pole #10/23A with appurtenant cables and wires, anchors and guys on Nobscot Road to provide primary service to 99 Nobscot Road (Walker residence).

Boston Edison representative Stephen Kane stated that the pole will be placed approximately ten feet from existing pole 10/24 and reviewed the plan with abutters David and MaryAnn K. Clark.

Ms. Clark stated her opposition to the placement of the pole, noting that she already has poles placed in the right of way bordering her property and the new pole would be both a visual and access problem for her. A difference of opinion surfaced relative to the source of supply to the Rock home at 109 Nobscot Road and other aspects of the project.

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

VOTED: To table Utility Petition No. 88-18 indefinitely to enable Boston Edison Company and Mr. and Mrs. Clark to meet on-site and come back to the Board with a resolution.

The Board reviewed Utility Petition No. 88-19 by New England Telephone and Telegraph Company and Boston Edison Company for the installation of one hip guy and anchor to secure pole 2/135 in Concord Road, after which it was on motion of Chairman Wallace unanimously

VOTED: To approve Utility Petition No. 88-19 of Boston Edison Company and New England Telephone and Telegraph Company for permission to install one hip guy and anchor on the westerly side of Concord Road approximately 2290 feet north of Lincoln Road; and shown on plan of Boston Edison Company entitled "Plan of Concord Rd. - Sudbury", dated May 19, 1988.

Town Counsel - Review of Pending Work

The Board reviewed a list of work pending in the Office of Town Counsel as of November 18, 1988. Town Counsel Paul L. Kenny updated the Board on various litigation and other matters, noting that he had successfully prosecuted Corcoran v. Planning in the Appeals Court, thereby setting precedent in land law with regard to approval not required plans. Attorney Kenny requested direction as to items which the Board feels should receive high priority.

Chairman Wallace and Selectman Cope agreed that Lewis v. Board of Appeals, now awaiting trial after denial of the Town's Motion for Summary Judgment, is a case appropriate for a speedy trial because of the strong feelings of the business community and others. Attorney Kenny stated he would file for speedy trial after the first of the year.

Selectman Cope also indicated her interest in the Board of Health query regarding back charging for pollution testing.

Executive Secretary Thompson suggested that this type of review be carried out on a quarterly basis since it allows the Board to both become fully cognizant of the varied responsibilities of the Office of Town Counsel and to provide input on matters of particular importance to the Board.

Change in Manager - Papa Gino's of America, Inc.

Present: David M. Hebert, Manager.

After presentation by Manager David M. Hebert of probation report and check payable to the Alcoholic Beverages Control Commission relative to its approval of the petition for change in manager, it was on motion of Selectman Cope unanimously

VOTED: To approve the petition of Papa Gino's of America, Inc., 104 Boston Post Road, for change in manager from James Gemma to David M. Hebert, in connection with the restaurant's Common Victualler License to Sell Wines and Malt Beverages.

October Special Town Meeting - Article 10

The Board noted receipt of a communication dated November 15, 1988, from the Board of Assessors concerning the Personnel Board's opposition to Article 10, dealing with additional compensation for special qualifications of Assessors and Assistant Assessors, expressed by that Board at the October Special Town Meeting. It was the consensus of the Board that Executive Secretary Thompson would communicate with the Personnel Board and try to work out the situation.

Overlay Accounts

The Board acknowledged receipt of a communication dated November 14, 1988 from the Board of Assessors stating that no excess balances which could be transferred for appropriation presently exist in the Overlay accounts, in response to the Board of Selectmen request of October 31. Executive Secretary Thompson informed the Board, however, that excess funds are predicted to become available in February after settlement of pending cases before the Appellate Tax Board, but the timing is such that they could not be appropriated for use at the Annual Town Meeting.

LSRHS Ceremonial Bonfire

Upon request of Fire Chief Michael Dunne, dated November 14, 1988, it was on motion of Selectman Cope unanimously

VOTED: To grant permission for a ceremonial bonfire at Lincoln-Sudbury Regional High School on November 23, 1988 in connection with football activities.

Holiday Schedule

Noting that the Christmas and New Year's Day holidays occur on Sundays, thus mandating that Town Offices are closed on the Mondays following the holidays, it was on motion of Chairman Wallace unanimously

VOTED: To approve the following holiday schedule:

- Employee Christmas party on Friday, December 16, 1:00 - 3:00 p.m.
- Close Town offices on Friday, December 23, at Noon
- Cancel Selectmen's meeting of Monday, December 26, 1988
- Reschedule Selectmen's meeting of January 2 to Wednesday, January 4.

Appointment - Memorial Day Committee

Upon the recommendation of Memorial Day Committee member Winifred C. Grinnell, it was on motion of Chairman Wallace unanimously

VOTED: To appoint Donald Barbour, 39 Washington Drive, Sudbury, to the Memorial Day Committee to serve for a term to expire April 30, 1991.

Resignation - Sudbury Housing Partnership Committee

Noting receipt of a letter of resignation dated November 15, 1988, it was on motion of Chairman Wallace unanimously

VOTED: To accept the resignation of Ellen Pirozzi from the Sudbury Housing Partnership Committee and to express the Boards thanks for her service to the Town.

Extension of Serving Hours - New Year's Eve

It was on motion of Selectman Wallace unanimously

VOTED: To grant permission to alcoholic beverages restaurant/club license holders to extend serving hours on December 31, 1988, New Year's Eve to 2:00 a.m. on January 1, 1989.

Minutes

The Board tabled review of the regular and executive session minutes of November 14, 1988 until such time as both Selectmen Cope and Drobinski were present.

Resolution in Support of Federal Legislation Banning Beer and Wine Commercials

At the request of the Duxbury Board of Selectmen for passage of a resolution urging Congress to ban beer and wine commercials from radio and television, the Board discussed whether it wished to formulate its own resolution which would express the concern of the Board relative to commercials aimed at young persons. The Board concluded after discussion that, while the Board sincerely applauds the Duxbury Selectmen's well-meaning efforts, it does not feel that the purview of the Board of Selectmen extends to such an issue and, therefore, does not wish to issue such a resolve.

Parker Academy Septic System Waste Vent

Upon inquiry from Selectman Cope as to the Town's ability to legally require screening of the Parker Academy septic system waste vent which is within an Historic District and visible from Concord Road, Town Counsel stated that he believed his office had advised on that particular question and would provide Selectman Cope with any correspondence relative thereto.

Lot 6, Hermitage St.

With regard to a complaint voiced to the Selectmen as individuals relative to proposed construction on Lot 6, Hermitage St., resulting from the DEQE issuance of a superseding Order of Conditions overturning denial of the project by the Conservation Commission, Executive Secretary Thompson stated that the Board had received a petition this day from various residents requesting that the Board immediately take all possible actions to stop the proposed construction. After a brief discussion, it was on motion unanimously

VOTED: To refer the petition to Town Counsel to research for a determination as to the Town's latitude to intercede.

The Executive Secretary was directed to so inform the spokesperson for the petitioners.

Resignation - Planning Board

The Board noted receipt of a copy of the resignation of Morton L. Brond from the Planning Board, dated November 16, 1988, and expressed its desire to

acknowledge such resignation commending and thanking Mr. Brond for his exemplary service to the Town.

#### Certification of Votes

At the request of Town Clerk Jean MacKenzie, the Board signed certification as to the number of votes cast for the following Middlesex County offices: Treasurer; Register of Deeds for the Southern District; County Commissioners (two).

#### Walkway Easement - Goodman's Hill Road

It was on motion unanimously

VOTED: To accept walkway easement granted by Robert G. and Margery C. Gordon of 115 Puritan Lane for Lot 38, Parcel 438 Goodman's Hill Road.

#### Enrollment Applications - Police Training

At the request of Police Chief Peter Lembo, the Board signed applications of the two newly appointed Sudbury police officers for enrollment in a recruit training program.

#### State House Hearing - Simon Special Act

Executive Secretary Thompson reported that he had participated in the hearing on House Bill No. 6231 for legislation to authorize the Town of Sudbury to pay a certain sum of money to Estelle Vee Simon for an abatement to real estate taxes paid in previous years and that the Committee had endorsed such legislation in spite of the argument presented by the Board of Assessors. The Bill will now go before the House and the Senate for consideration.

#### Sudbury Crossing Site Plan

In response to Selectman Drobinski's inquiry relative to the landscaping provisions for the rear of the Sudbury Crossing site, Executive Secretary Thompson informed the Board that a June 4, 1984 vote of the Board had approved elimination of the proposed tree islands and trees shown in the south parking area.

#### Police Presence - Holiday Shopping

Executive Secretary Thompson called to the attention of the Board the Police Department's intention to "make a serious effort to establish a high visibility in the various shopping centers" during the holiday season as expressed in a departmental report from Sgt. Langmaid to Chief Lembo. Mr. Thompson also solicited the support of the press in warning holiday shoppers to be aware of the increased potential for shoplifting, flim flams, and armed robberies.

#### Town Boundary Signs

Executive Secretary Thompson reported that Senator Cellucci and Representative Hicks have followed up on the Selectmen's Office's request to refurbish the "Entering Sudbury" sign at Marlborough on Route 20, and the DPW will make

an inspection next week. Selectman Wallace noted that there are no such signs on Concord Road entering Sudbury from the Nashawtuc Country Club area. Attorney Kenny opined that that is a County Road in that location and the Town would be required to pay for the erection of such signs if desired.

Selectman Cope mentioned the condition of directional signs at Mill Village and Grinnell Park and Mr. Thompson stated he would look into it.

#### Landfill Use - Model Airplane Club

Relative to the Board's vote of October 31, 1988 approving the use of the far rim of the Landfill as requested by a model airplane club subject to comment from the Town Engineer and Highway Surveyor, Executive Secretary Thompson noted that he had received a communication dated November 16 from the Highway Surveyor expressing concern relative to access and liability. Mr. Thompson informed the Board that he would discuss the matter with the Town Engineer and if his opinion is the same he would notify the Model Airplane Club that the property could not be used.

#### Proposed Golf Driving Range

Executive Secretary Thompson noted copy of letter, dated November 16, 1988, from Joseph C. DeFranco of The Friends of Sudbury Park & Recreation, Inc. to Donald Soule of the Park and Recreation Commission concerning legal concerns surrounding the requirement of a two-year renewable special permit from the Board of Appeals for recreational use within a residential zone as it would affect financing of the golf driving range project.

In response to a statement of concern from Selectman Cope relative to wetlands and parking, Mr. Thompson described the project as envisioned from the perspective of a recent site walk and with regard to aesthetics and personal and environmental safety concerns. The Engineering Department is presently preparing the survey and application for the special permit has been prepared for Mr. DeFranco's signature upon resolution of his legal concerns. Application to the Planning Board for the permit required relative to the project's location within a Water Resource Protection District will be filed at the proper stage of development.

#### Complaint - Tax Due Date

The Board noted receipt of a communication from Richard Silver, dated November 14, 1988, relative to an apparent change in practice affecting the time required for tax payment resulting in an interest charge to Mr. Silver. Upon the recommendation of the Executive Secretary, the Board suggested that he discuss the matter with the Collector relative to future publication of the due date and extend the Board's appreciation to Mr. Silver for bringing this matter to its attention.

#### Water District - Goodman's Hill System Study

The Board reviewed report on the Goodman's Hill Water Supply of H<sub>2</sub>O Engineering Consulting Associates, Inc., Dr. Edward T. T. Chiang, President, dated September 9, 1988, to the Sudbury Water District, listing alternatives

for improving water delivery to homes in that vicinity. Selectman Cope stated her recommendation that an article be presented at the Water District's Annual Meeting for implementation of Alternative No. 1. The Board agreed that after consultation with Selectman Drobinski, it would advise the District as to its recommendation.

Landfill Reports

Selectman Cope stated her concern with the fact that inspection reports of the Landfill by the Town Engineer for the month of October report the continued failure to cover the refuse properly. At her request, Executive Secretary Thompson stated he would look into the matter and express her concern.

Mr. Thompson informed the Board that he has been meeting on a regular basis with the Health Director, Highway Surveyor, Town Engineer, and Highway Operations Assistant to discuss landfill matters.

Curb Cut Plans - Route 20

Selectman Wallace informed the Board that James McKinley of the Traffic Management Committee had reviewed the Town Engineer's plans for Boston Post Road curb cut closings and would be making a presentation relative to the same at a forthcoming Sudbury Chamber of Commerce meeting.

Executive Session

At 9:05 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss pending litigation with Town Counsel in the matter of Raytheon Company vs. Board of Appeals of the Town of Sudbury, et al. (Land Court CA NO. 124-890).

(Chairman Wallace, aye; Selectman Cope, aye.)

Chairman Wallace announced that public session would not reconvene following Executive Session.

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