

IN BOARD OF SELECTMEN  
MONDAY, MARCH 6, 1989

Present: Chairman David A. Wallace and John C. Drobinski.

The statutory requirements as to time and place having been met, the meeting was called to order by Chairman Wallace at 7:30 p.m. at lower Town Hall.

Utility Petition 89-5 - Wayside Inn Road

Present: Abutter Joan E. Spittler; Townsman Ralph Tyler.

The Board reviewed Utility Petition No. 89-5 submitted by Boston Edison Company and New England Telephone and Telegraph Company for installation of one guy wire and anchor on Wayside Inn Road. Executive Secretary Thompson informed that no representatives from either of the utilities would be present.

Mr. Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector under date of February 23, 1989.

Joan E. Spittler of 194 Wayside Inn Road stated that she can see the need for the work since the pole is leaning; however, she expressed concern that the wire or anchor would be placed on her property. Mr. Thompson assured Mrs. Spittler that neither utility could place anything on her property without first obtaining her consent by way of a grant of easement. Upon review of the plans, it was confirmed that the wire and anchor would be placed on the public way. Mrs. Spittler stated that her concerns have been alleviated based on what she viewed on the plan and based on assurances that the stone wall would not be damaged or the spruce trees disturbed. Chairman Wallace stated that if Mrs. Spittler witnesses anything contrary to what she has been told this evening, she should immediately telephone the Executive Secretary.

Ralph Tyler of One Deacon Lane stated that although he has not studied this particular utility petition, he questioned the necessity for using wires and anchors since there are state-of-the-art procedures for accomplishing the same result. Mr. Thompson noted that both the Building and Wiring Inspectors have approved the project; and further noted that for safety's sake, the petition should be allowed. The Selectmen thanked Mr. Tyler for his input and Selectman Drobinski encouraged Mr. Tyler to continue to provide the Board with his comments and suggestions.

On motion of Chairman Wallace, it was unanimously

VOTED: To approve Utility Petition 89-5 of Boston Edison Company and New England Telephone and Telegraph Company for permission to erect or construct one guy wire and anchor on pole 194/36 in the following public way of the Town: Wayside Inn Road - northerly side approximately 438 feet west of Prides Crossing Road; as shown on plan of Boston Edison Company entitled "Plan of The Wayside Inn Rd. Sudbury", dated November 25, 1988; subject to there occurring no damage to stone wall or trees.

Utility Petition Nos. 89-6 and 89-7 - Plympton Road

Present: Abutters William Lamb and Ute Seperant.

The Board reviewed Utility Petition No. 89-6 for conduit and No. 89-7 for one pole, submitted by Boston Edison Company and New England Telephone and Telegraph Company, on Plympton Road. Executive Secretary Thompson informed that no representatives from either of the utilities would be present.

Mr. Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector under date of February 23, 1989.

Mr. Thompson advised that, pursuant to letter dated January 23, 1989, from Boston Edison Company, the work is necessary in order to provide service to Ute Seperant at 73 Plympton Road. Mr. Seperant and Mr. Lamb reviewed the plans with the Selectmen; and Mr. Lamb informed the Selectmen that this matter had been informally discussed last summer and they were present this evening to affirm that the work would be executed as discussed.

Upon review of the plan and a discussion as to the new routes of service to the residences, Messrs. Seperant and Lamb expressed their satisfaction with the proposed plans; but requested that the utility companies perform the work as far off the paved surface as possible.

On motion of Chairman Wallace, it was unanimously

VOTED: To approve Utility Petition 89-6 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay conduit in the following public way of the Town: Plympton Road - southeasterly approximately 860 feet east of Bowen Circle a distance of about 49 feet of conduit; as shown on plan of Boston Edison Company entitled "Plan of Plympton Rd.-Sudbury", dated November 17, 1988; and New England Telephone and Telegraph Company's plan numbered 89-7; said work to be located as far off the paved surface as possible; and it was further

VOTED: To approve Utility Petition 89-7 of Boston Edison Company and New England Telephone and Telegraph Company for permission to install one pole and remove one existing pole on the following public way of the Town: Plympton Road - southeasterly approximately 860 feet east of Bowen Circle; as shown on plan of Boston Edison Company entitled "Plan of Plympton Rd.-Sudbury", dated November 17, 1988; said work to be located as far off the paved surface as possible.

Utility Petition No. 89-8 - Maynard Road

The Board reviewed Utility Petition No. 89-8 for conduit, submitted by Boston Edison Company and New England Telephone and Telegraph Company, on Maynard Road. Executive Secretary Thompson informed that no representatives from either of the utilities would be present.

Mr. Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring

Inspector under date of February 23, 1989. Chairman Wallace invited persons in favor of or opposed to said utility petition to speak; and there was no response.

On motion of Chairman Wallace, it was unanimously

VOTED: To approve Utility Petition 89-8 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay conduit in the following public way of the Town: Maynard Road - easterly approximately 2150 feet northwest of Fairbank Road, a distance of about 73 feet of conduit; as shown on plan of Boston Edison Company entitled "Boston Edison Company Petition Plan, Maynard Road-Sudbury", dated January 12, 1989; and New England Telephone and Telegraph Company's plan numbered 89-1.

Utility Petition No. 89-9 - Willis Road

Present: Abutters Susan and George Thome.

The Board reviewed Utility Petition No. 89-9 for conduit, submitted by Boston Edison Company and New England Telephone and Telegraph Company, on Willis Road. Executive Secretary Thompson informed that no representatives from either of the utilities would be present.

Mr. Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector under date of February 23, 1989. Susan and George Thome of 218 Willis Road reviewed the plans with the Selectmen and in answer to their inquiries, it was explained to them that there would be no construction of manhole covers; and Selectman Drobinski described what is involved in conduit installation.

On motion of Chairman Wallace, it was unanimously

VOTED: To approve Utility Petition 89-9 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay conduit in the following public way of the Town: Willis Road - westerly approximately 530 feet south of Loker Road, a distance of about 43 feet; as shown on plan of Boston Edison Company entitled "Boston Edison Company Petition Plan, Willis Road-Sudbury", dated January 16, 1989; and New England Telephone and Telegraph Company's plan numbered 89-4.

Utility Petition No. 89-11 - Sawmill Lane

The Board reviewed Utility Petition No. 89-11 for conduit, submitted by Boston Edison Company and New England Telephone and Telegraph Company, on Sawmill Lane. Executive Secretary Thompson informed that no representatives from either of the utilities would be present.

Mr. Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector under date of February 23, 1989. Chairman Wallace invited persons in favor of or opposed to said utility petition to speak; and there was no response.

On motion of Chairman Wallace, it was unanimously

VOTED: To approve Utility Petition 89-11 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay conduit in the following public way of the Town: Sawmill Lane - northerly from Whitetail Lane, a distance of about 12 feet; as shown on plan of Boston Edison Company entitled "Plan of Saw Mill Ln.-Sudbury", dated January 12, 1989; and New England Telephone and Telegraph Company's plan numbered 89-6.

Site Plan Special Permit Application No. 89-310 - Ti-Sales, Inc.

Present: Peter Tighe, Kevin Tighe and Edward Petcavage, representing applicants Lawrence W. and Edna S. Tighe; Joyce Fantasia of the Design Review Board; Building Inspector Joseph E. Scammon; abutter William E. Mack.

At 8:15 p.m., Chairman Wallace convened a public hearing to consider the application numbered 89-310 of Lawrence W. and Edna S. Tighe, owners of Ti-Sales, Inc., for construction of an approximate 1188 square foot addition for office space and new parking facilities on property at 36 Hudson Road, zoned Business District No. 7 and Residential District A-1. The application was received January 13, 1989.

Executive Secretary Thompson advised that parties in interest had been notified and Notice of Public Hearing had been duly posted and advertised in accordance with Sudbury Zoning Bylaws and Mass. G. L. c. 40A.

The Board noted receipt of the following communications relative to the proposed site plan:

1. Notice of Decision rendered by the Zoning Board of Appeals on January 3, 1989, granting a Use Variance under Section VI,C,6 of the zoning bylaws, to construct an addition to the existing commercial building and provide additional parking; and, a Variance from Section IV,B of said bylaw, to allow the construction of said addition having a sideyard setback deficiency of approximately 12 feet on the Easterly boundary, for the subject property;

2. Letter dated March 1, 1989, from Buildings Inspector Joseph E. Scammon, commenting as follows:

A. the 1981 site plan provided 13 parking spaces; the new plan provides 18, an increase of five; the existing and proposed office areas (2,145 square feet) will require 11 spaces, the warehouse area (4,138 square feet) plus two employees will require four spaces, for a total need of 15 spaces; the plan meets the bylaw;

B. this plan adds two handicapped parking spaces in front of the building where they should be; Mr. Scammon has no problem with this, but notes they could be added at the rear of the building;

Mr. Scammon concluded by stating that he recommends approval of the site plan.

3. Memorandum dated February 21, 1989, from Fire Chief Michael Dunne stating no objection to the approximate 1,188 square-foot addition.

4. Letter dated February 23, 1989, from Town Engineer I. William Place, advising that he has reviewed the site plan dated June 27, 1988, revised July 27, 1988, and noting the following:

A. a clarification should be required as to who owns the property for which the access driveway is located;

B. it appears that the applicant is using land owned by the Town for parking and storage;

C. pre- and post-drainage calculations have not been submitted for review;

D. minimum driveway width for business use should be 24'; the plan shows 18';

E. a waiver from Section IX(V,C,9d), "...All parking shall be located behind buildings..." will be required;

F. if applicant is required to remove pavement from land owned by the Town, the interior driveway will be at variance to Section IX(V,C,9e), "...driveways may be reduced to no less than 20' for two-way traffic"; the pavement will be 18';

G. required parking appears to be at variance to Section IX(V,C,3) of the Sudbury Zoning Bylaws;

H. the turn-around to the rear of the property appears to be designed specifically for trucks; this appears to be excessive and he suggests applicants' engineer look at an alternative method, perhaps a "T"-shaped turnaround; this would also reduce the amount of impervious surface.

5. Copy of letter dated February 27, 1989, to Town Engineer from Frank R. Sherman, Esquire, attorney for Ti-Sales, Inc., responding to Item 1 of Town Engineer's letter dated February 23, 1989 (see Item 4.A above), giving his opinion that the Town owns the driveway; and further opining that Ti-Sales has an easement by adverse possession and prescription that permits it to use same.

6. Memorandum dated March 3, 1989, from Conservation Coordinator Deborah Montemerlo, stating that the Conservation Commission has been unable to review the site plan; but Ms. Montemerlo commented as follows:

"Construction of a portion of the proposed truck turnaround appears to be located within 100' of the edge of a vegetated wetland. A Wetlands Protection Act Request for Determination of Applicability will be required for this construction. As currently proposed, a leaching catch basin will be used to mitigate increased runoff. The Commission generally encourages the use of properly designed leaching catch basins as opposed to piped discharge directly into a wetland area. Any changes to drainage design will require a further review of the plan."

7. Memorandum dated March 3, 1989, from Health Director Robert C. Leupold advising that a site visit and soil testing for a septic system

replacement area was conducted that date. Mr. Leupold advised that testing indicated that soils are suitable for a future replacement of the septic system leaching area when needed; and recommended the following conditions as part of the site plan approval:

A. the septic system reserve area must be located on the site plan with any necessary regrading shown;

B. the septic tank outlet elevation must be verified prior to the office construction;

C. the septic tank must be replaced if the existing outlet invert elevation does not allow gravity flow to the reserve leach area; and

D. the existing sewer pipe from the building to the septic tank must be replaced and installed in a six-inch sleeve pipe.

8. Note of telephone communication of March 3, 1989, from Joyce Fantasia, Chairman of the Design Review Board, advising that the DRB has not yet had an opportunity to review the site plan; and thus can make no comment at this time.

9. Letter dated March 3, 1989, from Town Planner Lee Newman, advising that the Planning Board cannot recommend approval and noting deficiencies on the Plan as submitted. These items are more particularly set forth in these minutes as they pertain to comments by the Building Inspector made in response to each item.

At the invitation of Chairman Wallace, Peter Tighe, President of Ti-Sales, Inc., introduced himself, his brother Kevin Tighe, and Landscape Architect Edward Petcavage, all of whom spoke on behalf of his parents Lawrence and Edna Tighe concerning this application.

Mr. Peter Tighe explained that the application for a site plan is for an office addition and some additional paved area for parking. Mr. Tighe stated that they are extremely crowded in the present space, especially because of a Digital Equipment Corporation Microvax computer, ten terminals and three printers. Other reasons are for privacy between his and his father's offices and if the site plan is approved, two back offices will revert back to badly-needed storage space.

Mr. Tighe went on to say that Ti-Sales has been in business for 25 years and he believes it has been a good neighbor, and that the proposed site plan would be just as unobtrusive as the company has been to the public's view. Mr. Tighe pointed out that the Board of Appeals has granted the use variances they believed were necessary, and commented that communication among the different Town departments has been extremely good. However, Mr. Tighe stated, he and his family are disappointed with the interaction they have had with the Planning Board. Mr. Tighe stated that they understand the Planning Board's concerns and the necessity for being very careful; however, he is a little discouraged by the Planning Board's March 3, 1989, response, which letter he only received this afternoon from another department head. Mr. Tighe pointed out that when they met with the Planning Board two weeks ago, only one of the items contained in that letter was brought up at that

time. Mr. Tighe continued by stating that he is also discouraged by the Planning Board's implication that there is only 37½ feet of frontage in an area on which there should be fifty feet of frontage. Mr. Tighe explained that he believes this frontage pre-exists the zoning laws; and he is discouraged to find that a long-lasting pre-existing condition is brought up as a possible question as to the validity of any future addition. With regard to signs, Mr. Tighe assured that they will not be putting up any new signs, and that the signs already in existence have been up for years and had been approved.

Mr. Tighe concluded by reiterating that they have been good neighbors and they have received no objections at any point to this proposed new addition. Mr. Tighe stated that, although they do not know their abutters socially, the abutters have been supportive and some have encouraged them in this project.

Joyce Fantasia, Chairman of the Design Review Board, acknowledged that she looked at a site plan a few months ago, and that if there have been no revisions to that plan, she believes the Design Review Board would have no objections to the application being approved.

Landscape Architect Edward Petcavage displayed the site plan and landscaping plan for review and pointed out the existing driveway and the proposed expansion. At the request of the Executive Secretary, Mr. Tighe allowed the Selectmen to retain this plan for their file.

Executive Secretary Thompson commented that as there appear to be so many important issues unresolved Ti-Sales may wish to consider requesting a continuance of this hearing to a future date so that they may present to the Selectmen a more unified report and favorable consensus from the various town departments and boards. If they wish to do so, the Selectmen will continue the hearing to a date certain and not make a decision based on what is before them this evening.

Chairman Wallace explained to Mr. Tighe Ti-Sales' right to go forward this evening; however, because of many open questions, especially from the Town Engineer, Ti-Sales might do well to continue the hearing and address the issues. Mr. Wallace stated his belief that the Town Engineer has made it clear he wishes to work with Ti-Sales and get the issues resolved.

Mr. Tighe stated that he thinks it would be a good idea to have the hearing continued, and requested direction as to what should be done to resolve the open issues. It was recommended that the Executive Secretary would work with the Town Engineer to coordinate meetings among the necessary boards and departments to obtain a more defined package. In the meantime, it was suggested to Mr. Tighe that he and his representatives meet with Town Planner Lee Newman to discuss and resolve the concerns expressed by the Planning Board.

At the request of the Chairman, Building Inspector Joseph E. Scammon made the following comments with regard to the letter dated March 3, 1989, from the Planning Board, as referenced in Item No. above:

With regard to Planning Board's Item 1: "...applicant is proposing to store public water supplies, piping, etc., within a district for which

such a use is not allowed and for which a variance was not specifically issued; it appears an additional variance will be required", Mr. Scammon opined that the decision rendered by the Board of Appeals covers the entire portion of the lot and thus, such use would come under the variances as granted on January 3, 1989.

With regard to Planning Board's Item 2: "Section IX,V,A,5,a requires that the applicant provide a written statement detailing use, the extent of building coverage and open space, drainage calculations and calculations of the volume of earth to be removed; not provided by applicant with the application", Mr. Scammon stated that it appears that a response was eventually sent to [Town Engineer] Place.

With regard to Planning Board's Item 3: "Section IX,V,A,5,d requires that the applicant submit a building plan which shows the layout of each floor with a tabular summary of the gross floor area to be used to calculate the required parking; not provided for the existing building; accordingly, it was not possible to determine if the required number of parking spaces are provided", Mr. Scammon stated that despite the omission, he had no trouble figuring out the area and so on.

With regard to Planning Board's Item 4: "Section IX,V,A,7,a requires that any disruption to existing site features including particularly the changing of topography be kept to an absolute minimum. The plan as submitted provides for a truck turn-around at the rear of the property. The Board did not find the design as proposed to be in keeping with the requirements of this section. The Board would suggest that the applicant eliminate the turnaround as shown on the Plan and that provisions be made for a limited truck turn-around at the immediate rear of the building", Mr. Scammon stated he had no comment on this since it does not come within his purview.

With regard to Planning Board's Item 5: "Section IX,V,A,7,d requires that signs and their design be reviewed as an integral element in the design and planning of all developments. Information on signage was not provided by the applicant with his site plan application", Mr. Scammon suggested that since the applicant has indicated there are no changes with regard to signage, the applicant make the written notation "No Change in Signs" on the plan.

With regard to Planning Board's Item 6: "Section IX,V,A,7,i,1 requires that in a Business District where a business use abuts a residential district, that a landscape buffer a minimum of 20 feet in depth be provided to mitigate the impact of the business use on the abutting residential district. The landscape buffer which is required along the westerly side of the property was not provided", Mr. Scammon stated that he has just seen the plan this evening and thus cannot comment.

With regard to Planning Board's Item 7: "Section IX,V,C,9,e requires that each lot have one access driveway which has a width of at least 24 feet at its narrowest point if it is proposed to be used for two-way traffic. The access drive as shown on the Plan is eighteen feet in width", Mr. Scammon opined that applicant does not have to comply with



today's rules since they are not changing the drive. Mr. Scammon further stated that it is his opinion that M.G.L. c. 40A would not back up the Town if they insist that the applicant re-do its whole lot.

With regard to Planning Board's Item 8: "Section IX,IV,B requires that a lot located in the Business District have a minimum of fifty feet of frontage along any street or way. The lot as shown on the Plan has 36.71 feet of frontage along Hudson Road. The Board of Selectmen should be assured that this property has received Board of Appeal approval for the extension and enlargement of a non-conforming use", Mr. Scammon acknowledged that it was not brought to his attention since applicant did not ask for a special permit for a non-conforming lot. Mr. Scammon stated that he believes there is a technical point here that needs to be addressed by the Board of Appeals.

The Selectmen next heard from abutter William E. Mack of 51 Hudson Road. Mr. Mack stated that he first wanted to testify to the fact that the Tighe family has been a very good neighbor and has conducted itself in a businesslike manner over the years. Mr. Mack stated that his concern is that over the years he has been witness to two or three enlargements of the business and wonders where it is all going to end. Mr. Mack believes that it would be a mistake to allow the expansion to continue to grow to the point that it fills up the entire land, and even the land behind. Mr. Mack made it clear that he does not object to what is being proposed by the Tighes now, but wished to let his concern for future expansion be known.

There being no further comments, and at the request of the applicant, it was on motion of Chairman Wallace unanimously

VOTED: To continue this public hearing to consider Site Plan special Permit Application No. 89-310 of Ti-Sales, Inc., for property at 36 Hudson Road, owned by Lawrence W. and Edna S. Tighe, to Wednesday, March 29, 1989, at 9:30 p.m. at lower Town Hall; and to request the Executive Secretary to act as representative of the Board of Selectmen in coordinating with the Town Engineer whatever meetings and actions are necessary to resolve outstanding issues regarding said site plan and application; and it was further

VOTED: That if the Executive Secretary is satisfied that all material is collected to allow the Selectmen to make a decision relative to the aforementioned application, and that a consensus has been reached among the various town departments and boards, that the Executive Secretary meet with Town Counsel to review same and request Town Counsel's Office to prepare a draft decision on behalf of the Selectmen for review no later than March 29, 1989.

The Chairman thanked everyone for their comments and suggestions, and the Executive Secretary assured Mr. Tighe that he will work with the Town Engineer to see that the issues are addressed before March 29, 1989. Selectman Drobinski reiterated his suggestion that Mr. Tighe contact Town Planner Lee Newman, and Mr. Tighe stated that he would do so.

Traffic Management Committee - Zoning Violations

Present: Traffic Management Committee Chairman James W. McKinley and members Ferdinando DiMatteo, Sally E. Trimble, and Gilbert P. Wright; Planning Board

Chairman Russell Kirby and members Lael Meixsell and James P. Watterson;  
Design Review Board Chairperson Joyce Fantasia.

The Chairman convened a meeting with the Traffic Management Committee concerning the Committee's letter of January 27, 1989, relative to zoning violations along Route 20.

Chairman Wallace apologized to the Committee for the absence of Zoning Enforcement Agent/Building Inspector Joseph E. Scammon and explained that although Mr. Scammon was present for an earlier hearing, he apparently left the premises due to inadvertence.

Traffic Management Committee Chairman James W. McKinley gave a brief history leading up to this meeting, stating that the concerns about zoning violations go back to when the Route 20 Task Force was in force. Mr. McKinley pointed out that the recommendations made by the Task Force, which were subsequently adopted by the Town, included a statement that land use and enforcement of the zoning bylaws are really key to any improvements being seen in the Town. The Task Force, and subsequently the Traffic Management Committee, has continually expressed concern about the apparent zoning violations along Route 20 and in order to bring the issue out in the open, they prepared a list last Spring outlining what appeared to them to be a number of violations; and supported same with a number of photographs. Mr. McKinley stated that the purpose of this meeting was to talk with the Selectmen and the Building Inspector to get an update, understand the process, and to see if the problems are as real as they appear to be, and what can be done to remedy the situation.

Chairman Wallace acknowledged receipt of a detailed list and suggested that the Committee choose for discussion purposes an alleged violator they believe to be particularly egregious. In response, Mr. McKinley stated that one could be chosen at random, and gave the example of a garage in the western end of Town that seems to be running a truck storage and landscaping business next to the American Legion Hall. Mr. McKinley also pointed out apparent violations by Sudbury Rental for storing its commercial vehicles outside.

Mr. McKinley reported that one of the members of the Traffic Management Committee stopped by the Building Inspector's Office to check records with regard to properties that might be "grandfathered" or otherwise exempt from the bylaws, but was distressed to learn there appears to be no formal record-keeping system.

Selectman Drobinski commended the Traffic Management Committee for going through this exercise to bring to the fore a situation that has been festering in the Town for a long time. Mr. Drobinski stated his empathy with the Committee for its frustration in getting answers to the questions and getting the process implemented.

Executive Secretary Thompson suggested that since Mr. Scammon is not present, and since Selectman Cope was unable to be at this meeting, it would be a good idea to continue the meeting to another date when all parties will be present. In the meantime, Mr. McKinley offered to sit down with Mr. Scammon and go through the list one by one, as alluded to in Mr. Scammon's letter dated March 2, 1989.

Joyce Fantasia, Chairman of the Design Review Board, suggested that the Building Inspector make a regular, routine survey of Route 20, on, for example, a weekly basis, so that he can be aware of what is going on and what has changed so that he could report to the Selectmen on a monthly basis what has been happening.

Traffic Management Committee member Gilbert P. Wright stressed the need for the Town to hear from the Zoning Enforcement Officer. Mr. Wright does not believe it is too much to ask Mr. Scammon to take a look at the list and visit the alleged violators. It is Mr. Wright's opinion that the Traffic Management Committee has done its homework, and the ball is now in the Town's court to do something.

There was a concurrence among those present that enough discussion has been had on what needs to be done; that it is time for action. Ms. Fantasia expressed her skepticism about Mr. Scammon's willingness to meet and follow through with suggestions; however, Chairman Wallace assured her that Mr. Scammon has been made aware of the situation and will cooperate.

There followed a discussion concerning the management aspect of the zoning enforcement process, and Town Counsel Paul Kenny cautioned that State law has specific mandates governing zoning administration.

In response to comments made by Mr. Wright, Mr. Thompson stated that he agreed with him that the Town needs to reorganize its priorities. Mr. Thompson pointed out that five years ago demands on the Building Inspector's Department increased dramatically, and that Deputy Building Inspector Earl Midgley's position was created and expanded. Mr. Thompson further pointed out that some progress has been made and that the Finance Committee now supports the establishment of the position of Assistant Building Inspector. With regard to the requested new position in the Budget, Mr. McKinley asked if the person appointed would deal only with zoning enforcement; Mr. Thompson answered in the affirmative. Mr. Thompson pointed out that issues needing to be addressed by the Building Department/Zoning Enforcement Agent are not limited to Route 20 zoning violations, and cited a recent zoning problem between neighbors that involved numerous hours of Mr. Scammon's time.

Resident Ralph Tyler brought up some points for thought, including establishing a photographic database of the alleged violators, investigating the statutory requirements regarding response from the violators to the issuance of tickets, and the possibility of having a qualified volunteer assist Mr. Scammon in the ticketing process. Mr. Wright added that if not prohibited by law, the Town should find a way to put the onus on the property owner to prove that what is considered a violation, is not.

Selectman Drobinski stated to the media that the Selectmen wish to get the message out that Town government wants its zoning bylaws complied with and will vigorously pursue enforcement.

In answer to Planning Board member Lael Meixsell's request for clarification, Town Counsel stated that in order to reorganize the enforcement process by the appointment of a Zoning Administrator, the Town would have to adopt a

new bylaw. Attorney Kenny stated that it is his opinion such a reorganization would only add to the bureaucracy of Town government rather than expedite the process. Chairman Wallace and Mr. Thompson concurred that the best way to speed the zoning enforcement process is to obtain all the support possible for passage of the budget line item establishing the position Assistant Building Inspector. Once passed, Mr. Scammon can appoint an Assistant.

Traffic Management Committee member Sally E. Trimble suggested that the Town consider publication of a zoning violators' list, similar to what is done by the State's Board of Health in listing restaurants in violation of the Health and Safety Code. If such a list is published in the newspaper, Ms. Trimble continued, the Town can follow and see what is being done on the administrative level. Mr. Thompson opined that this is a good idea, so long as Town Counsel and the Building Inspector confirm that there is in fact a violation, and not just an allegation. Mr. Thompson pointed out that there is no problem in the good-faith issuing of a ticket citing what the Town believes to be a violation; but publishing the name of a property owner without verification that there is in fact a violation may hold the Town liable. Mr. Thompson noted that there are some property owners that have already been determined to be in violation of the Town's bylaws, and he sees no problem with those names being published. In particular, Mr. Thompson cited the Mobil Station on the corner of Route 20 and Landham Road and West Of The Hub Realty on Route 20. It is Mr. Thompson's hope that the media would continue to publish articles concerning these and other obvious violators, perhaps by establishing a "Violator of the Month" column, so that they would remain in the public eye.

In response to inquiry, Mr. Thompson stated that if the Town votes the new position of Assistant Building Inspector, it will be a much easier position to fill than that of a Building Inspector.

Mr. Meixsell inquired about the possibility of setting up a separate account for the fines collected for violation of the zoning bylaws; Attorney Kenny stated that such fines are earmarked by statute to the General Fund.

On motion of Chairman Wallace, it was unanimously

VOTED: To schedule a follow-up meeting with the Traffic Management Committee and other interested parties relative to enforcement of zoning violations along Route 20 for Monday, March 20, 1989, at 8:00 p.m. at lower Town Hall; and to request the Executive Secretary to communicate the contents of this evening's meeting to the Building Inspector and to request Mr. Scammon's attendance at the meeting of March 20th.

Chairman Wallace thanked all in attendance for their input and the meeting was adjourned.

Police Department - Request For Permanent Fulltime Police Officer

The Board considered the question of requesting the Department of Personnel Administration to rescind Requisition No. 89-0141 Certification List for appointment of one Temporary Fulltime Police Officer; and authorizing the Executive Secretary to request a new Certification List for appointment of one Permanent Fulltime Police Officer to fill a new position.

Executive Secretary Thompson explained that this procedure is necessary in order to enable Police Officer Todd Eadie to take the Police Sergeant's Examination scheduled for April 8, 1989, and will be the final step required following action on House Bill 1447, the Town's Special Legislation to allow appointment of Mr. Eadie as a Permanent Police Officer.

It was on motion, unanimously

VOTED: To request the Department of Personnel Administration to rescind Requisition No. 89-0141 Certification List for appointment of one Temporary Fulltime Police Officer; and to authorize the Executive Secretary to request a new Certification List for appointment of one Permanent Fulltime Police Officer to fill a new position.

Wayland/Sudbury Composting Facility - Bid Specifications

Upon review of memorandum received February 21, 1989, from Neal Drawas of the Resource Recovery Committee, requesting review and response pertaining to the draft bid specifications for operation of a composting facility, and upon recommendation of the Executive Secretary, it was on motion of Chairman Wallace unanimously

VOTED: To support the concept of the specifications for operation of Wayland/Sudbury Composting Facility, as requested by the Resource Recovery Committee.

Town Audit - Fiscal Year 1990

Upon review of communication dated March 1, 1989, from James Vanar, Director of Finance/Town Accountant and recommendation of the Executive Secretary, it was on motion of Chairman Wallace unanimously

VOTED: To support the position of James Vanar, Director of Finance/Town Accountant that an audit every two years of the Town's financial accounts, due to be performed in Fiscal Year 1990, is mandatory, and must not go unfunded regardless of action on the override question.

Support of Legislation Increasing Local Aid

Upon review, it was on motion of Chairman Wallace unanimously

VOTED: To support legislation recently filed by State Senator A. Paul Cellucci, to increase local aid by requiring that municipalities receive no less than forty (40%) percent of the total revenues accruing from lottery sales, as set forth in communication from Senator Cellucci, dated February 24, 1989.

American Legion - Annual Poppies Sale/Provision of Refreshments to Memorial Day Marchers

It was on motion of Selectman Drobinski unanimously

VOTED: To grant to American Legion Post No. 191, Inc., permission to sell poppies on May 24-27, 1989, at Star Market, Sudbury Farms and MacKinnon's

Liquors, subject to approval by owners of said properties; to grant to the Legion permission to use the Town Hall parking lot to provide refreshments to marchers in the Memorial Day Parade; and to express appreciation to the Legion for their generous participation.

Proclamation of American Red Cross Month

Upon review of letter received March 1, 1989, from Kathleen M. Kelly, Area Director, Community Relations, American Red Cross of Massachusetts Bay, it was on motion of Chairman Wallace unanimously

VOTED: To proclaim March 1989, American Red Cross Month; and to grant permission to the American Red Cross to display the Red Cross flag at Town Hall during this month.

Draft "Hop Brook Ponds System Study"

Upon review, it was on motion unanimously

VOTED: To thank the Board of Health for a draft copy of the "Hop Brook Ponds System Study", dated February 1989, prepared by Whitman & Howard, Inc.; and to advise the Board of Health that the Selectmen support pursuing those recommendations listed in the Executive Summary on pages 1-1 and 1-2.

Camp Fire Girls & Boys - Recipient of the Wohelo Medallion

The Board reviewed letter dated February 28, 1989, from Claire R. Bertucci of The Wohelo Medallion Committee of the Camp Fire Girls & Boys, which explained that The Wohelo Medallion represents the highest achievement for young people in Camp Fire.

It was on motion of Chairman Wallace unanimously

VOTED: To acknowledge with pride Deneen Howell of 34 Blacksmith Drive, for being one of four recipients of the Wohelo Medallion in the Greater Boston Council of the Camp Fire Girls & Boys; and to request the Executive Secretary to forward a letter of congratulations to Ms. Howell for achieving this high honor.

MacNeill Property - C. 61A Option To Purchase

Upon review, and recommendation of the Executive Secretary, which is concurred with by Town Planner Lee Newman, it was on motion of Chairman Wallace unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to execute a Release and Termination of the Notice of Intent to Exercise Option to release the option to purchase under M.G.L. c. 61A, §14, recorded with the Middlesex South Registry of Deeds in Book 18572, Page 207, pertaining to the following parcels owned by Arden M. and Barbara MacNeill, Trustees of the Arden B. MacNeill Real Estate Trust, 1959, as amended, located near Dutton Road, Boston Post Road and Wayside Inn Road: a portion of Lot 300 on Town Property Map K04; a portion of Lot 400 on Town Property Map K03; and a portion

of Lot 10 on Town Property Map K03; said document to be released only upon the expiration of the appeal period for the Cluster Development Special Permit and Subdivision Approval granted by the Planning Board, with no appeal having been filed.

Schedule of Selectmen Meetings during period of Annual Town Meeting

It was on motion of Chairman Wallace unanimously

VOTED: To schedule meetings at 7:00 p.m. in the Library of the Lincoln-Sudbury Regional High School prior to each night of Town Meeting commencing April 3, 1989; and cancelling regular Monday 7:30 p.m. meetings at Town Hall during said period.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting of February 27, 1989, as presented; subject to comment by Selectman Cope; and to approve the minutes of the executive session meeting of March 1, 1989, as presented.

Discretionary Fund, Petty Cash Expenditure

It was on motion of Chairman Wallace unanimously

VOTED: To confirm an expenditure in the amount of \$100 from the Discretionary Fund Petty Cash Account on March 3, 1989, to a resident named in a confidential memorandum from the Executive Secretary, to provide assistance in time of need when usual income payments were not forthcoming.

Easement - Highway Department

It was on motion unanimously

VOTED: To accept Highway Easement given by Mark E. and Diana Weinburg, as shown on "Plan of a Portion of Centre Street As Laid Out by the Town of Sudbury, Massachusetts", dated January 30, 1989, drawn by the Town of Sudbury Engineering Department, which easement supersedes that given by William J. Corcoran recorded with the Middlesex South District Registry of Deeds at Book 17434 Page 216.

Senior Citizens Center - Display of Open House Sign

It was on motion unanimously

VOTED: To approve the display of one free-standing, two-sided sign to be placed at the Fairbank Building to advertise an Open House for the Senior Citizens Center.

Town Clerk - Use of the Common for Placement of Voter Registration Signs

It was on motion unanimously

VOTED: To confirm approval of use of the Town Common for display of Voter Registration signs on Saturday, March 4, and Monday, March 6, 1989.

Septage Disposal Facility - Massachusetts Environmental Protection Agency

Executive Secretary Thompson updated the Selectmen on developments concerning the Selectmen's written request dated February 21, 1989, to the Executive Office of Environmental Affairs, as discussed at the Selectmen's February 27, 1989, meeting.

Mr. Thompson advised that the Notice of Action mentioned in the aforementioned letter is due March 26, 1989; and he has consulted Town Counsel, who will assist in the filings and in following the proper procedure.

Mr. Thompson further reported that at the Selectmen's request, a meeting has been scheduled with the Operational Review Committee and the Board of Health for Monday, March 13, 1989, at 8:30 p.m. Mr. Thompson stated that he would have copies of the Regulations dealing with the technical requirements provided to the Selectmen before that meeting.

Maynard Rod and Gun Club

The Board acknowledged receipt of copy of draft Proposal between the Maynard Rod and Gun Club and the Sudbury Association for Environmental Tranquility (SAFE-T) from Carol Haigh.

There being no further business to come before the Board, the meeting was adjourned at 10:30 p.m.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk