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IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 20, 1989

Present: Chairman John C. Drobinski, Judith A. Cope and David A. Wallace.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:35 p.m. at lower Town Hall.

License Transfer - Bullfinch's

Present: Margaret K. Richardson.

In accordance with M.G.L. c.138, the Board as licensing authority convened a public hearing to consider the application received November 3, 1989, of Bullfinch's Inc., d/b/a Bullfinch's at 730 Boston Post Road, holder of a Restaurant License for the Sale of Alcoholic Beverages, for approval of transfer of corporate stock, change in corporate officers, directors and stockholders, and change in manager.

Executive Secretary Richard E. Thompson informed the Board that the hearing was duly advertised and all appropriate abutters notified. Mr. Thompson informed that Board that favorable reports had been received from the Board of Health, Building Inspector and Fire Chief. Mr. Thompson read into the record the Alcoholic Beverages Control Commission (ABCC) notification to Buyers, Sellers and Applicants for Licenses relative to the approval process, which had been received by the applicant on November 7, 1989.

Finding that the application was in order, it was on motion of Chairman Drobinski unanimously

VOTED: To approve the transfer of the Restaurant License for the Sale of Alcoholic Beverages exercised by Bullfinch's, Inc. on the premises located at 730 Boston Post Road, to Bullfinch's, Inc., as operative under a change of officers, directors and stockholders, which change is hereby approved, together with a change in manager from Thomas S. Richardson to T. Scott Richardson, subject to approval of the Alcoholic Beverages Control Commission.

License Change in Manager - Wayside Inn

Present: Robert H. Purrington and Carolyn Purrington.

Noting that this was somewhat of a historic event, Executive Secretary Thompson introduced the newly appointed Innkeeper of Longfellow's Wayside Inn, Robert H. Purrington, and recommended that the Board approve the change in manager application of the Wayside Inn Corporation Board of Trustees, dated October 31, 1989.

Finding the application in order, it was on motion of Chairman Drobinski unanimously

VOTED: To approve the application of the Wayside Inn Corporation Board of Trustees, d/b/a Longfellow's Wayside Inn, Wayside Inn Road, for a change in Manager/Innkeeper from Francis J. Koppeis to Robert H. Purrington, subject to approval of the Alcoholic Beverages Control Commission.

The Board welcomed Mr. and Mrs. Purrington to the Town, stating that it looked forward to the continuation of the excellent relationship enjoyed between the Inn and the Town.

Carding Mill Building

In an update to the Board, Executive Secretary Thompson stated that he had visited the site with Conservation Coordinator Deborah Montemerlo and Building Inspector Joseph Scammon to review the list and cost of necessary building renovations as presented by the Sudbury Valley Trustees (SVT). Mr. Thompson noted that there might be some funds saved in fixing the structure, particularly if the basic plumbing is not relocated as the SVT had indicated. In connection with the financial data presented by SVT, Budget Analyst Terri Ackerman, at Mr. Thompson's direction, had contacted SVT Executive Secretary Alan Morgan to obtain a revised financial proposal but had not met with success. Mr. Thompson has since discussed the proposition with two of the Trustees, Mr. Taft and Mr. Davison, and will continue to do so.

The Board affirmed that its desire is to reach an accommodation with the Trustees for long-term occupancy of the building by means of a renewable lease based purely on a financial proposal. Selectman Wallace stated his feeling that this is an ideal permanent site for the SVT and the best deal for the Town, given that a financial agreement could be worked out to the satisfaction of the parties trading off preservation of the building for its use over time.

Fairbank Community Center - Electrical Service

In connection with the construction of the Senior Center and building renovations at the Fairbank Community Center, 40 Fairbank Road, and modifications of the electrical service under Boston Edison Work Order #644582, it was on motion unanimously

VOTED: To grant permission to Boston Edison Company and New England Telephone and Telegraph Company to install and maintain one pole (191-71X) with appurtenant fixtures at 40 Fairbank Road; to grant a license to Boston Edison Company to install a new transformer with appurtenant connections on the Town's padmount #10375 at 40 Fairbank Road, and to enter upon the premises in order to maintain, replace or remove said transformer and line at the approximate location shown on Boston Edison work sketch dated November 13, 1989; and to grant emergency approval to Boston Edison Company and New England Telephone and Telegraph Company, subject to receipt of formal petitions and public hearing, for installation of guy wire and anchor on Pole 191/7 on Fairbank Road at the southerly side of Butler Road.

The appropriate documentation, which had been reviewed by Town Counsel's Office, was signed.

Conservation Restriction - Art. 75/88ATM

It was on motion of Chairman Drobinski unanimously

VOTED: To sign a Release and approval of receipt of a Conservation Restriction and Easement relative to property owned by David M. and Mary M. Shahian, 31 Crescent Lane, pursuant to Town Meeting vote under Article 75 of the 1988

Annual Town Meeting and special legislation enacted under Chapter 84 of the Acts of 1989.

Hosmer House Agreements

Upon review of the draft agreements drawn by Assistant Town Counsel upon the request of the Historical Commission, it was on motion of Chairman Drobinski unanimously

VOTED: To approve the concept of an agreement for renovations and subsequent caretaker arrangement for the Hosmer House, subject to compliance with M.G.L. c.268A, §20(b) as required.

Town Report Bid

Upon the recommendation of the Executive Secretary, it was on motion of Selectman Cope unanimously

VOTED: To accept the bid, dated November 6, 1989, from low bidder Athol Press, Inc., Athol, Massachusetts 01331, at the price of \$58.95 per page for pages to be typeset and \$52.60 per page for camera-ready pages, with the option of choosing alternates as bid which include a process color cover for an additional cost of \$500.

Site Plan Special Permit 89-311 - Paris Realty Tr.

The Board confirmed the signing on November 15, 1989 of Sheets 1, 2 and 3 of the Paris Realty Trust (Chiswick) Site Plan 89-311, drawn by Schofield Brothers for property located at 490 Boston Post Road, as approved by the Building Inspector and Town Engineer. It was noted that the monitor wells had been denoted on the property.

On inquiry of Selectman Cope, Mr. Thompson affirmed that the Selectmen's voted recommendation pertaining to seating and times of matinee performances had been forwarded to the Board of Appeals for consideration at the Special Permit hearing. Relative to the DRL and Associates, Inc. plan A-1 showing the Upper Floor Plan of the Nickerson Theatre as containing 463 seats, it was noted that any seating limitation placed by the Board of Appeals would not necessarily affect the number of seats which could be installed in the theatre, and this figure represents the number of seats the theatre building can hold given its size and configuration. This plan with associated elevations and the landscape plan are currently before the Design Review Board.

Minutes

It was on motion of Selectman Cope unanimously

VOTED: To approve the minutes of November 6, 1989 as drafted.

Charter Commission

The Board noted receipt of the flow chart showing the schedule for a Home Rule Charter Commission which, Town Counsel confirmed, must be followed in the manner and time sequence shown. Selectman Cope expressed her concern in

finding people with time and interest in serving on a Commission. Executive Secretary Thompson offered his service during the summer months on the project; however, it was noted that the Board also had expressed interest in the formation of a Zoning Bylaw Revision Committee. Selectman Cope, with agreement of the Board, opined that the revisions to the Zoning Bylaw should take precedence. Mr. Thompson stated he would look into recruiting existing committees or combinations of the same to accomplish this task and report his recommendations to the Board in the future.

Public Hearing - Traffic Control, Powder Mill Road

Present: Maynard Selectmen Anne D. Flood and William F. King, Chairman; Town Engineer I. William Place; Community Relations Program Manager Ann Hurd, Digital Equipment Corporation; and various Sudbury residents.

The Board convened a Public Hearing in accordance with M.G.L. c.85, §2 for the purpose of soliciting comments relative to a proposed amendment to the Town of Sudbury Traffic Rules and Orders to authorize installation of a sign reading: "Do Not Enter 7 a.m. - 9 a.m. Excluding School Buses and Local Residents", at the intersection of Powder Mill Road and Powers Road for northbound travelers entering Powder Mill Road at Powers Road.

Executive Secretary Richard E. Thompson informed that notice, which had been mailed to residents of the streets to be directly affected and other interested residents, had been sent to the towns of Maynard, Concord and Acton and Digital Equipment Corporation, and duly advertised. Mr. Thompson noted that the wording of the sign proposed has been changed to "Do Not Enter 7 a.m. - 9 a.m. Excepting School Buses and Local Residents" to avoid confusion. Mr. Thompson stated that the hearing this evening was to gather public sentiment before making a decision.

Mr. Thompson reported that a response from Acton Town Manager Don P. Johnson had been received today indicating that the proposal would have minimal impact on Acton residents and offering no objection to it upon the condition that there be a one-year trial period with review and comments before continuation. A favorable response had also been received from residents Amy and Michael J. Robinson, M.D., dated November 15.

Town Engineer I. William Place prefaced the public comment period with a brief history of proposed safety measures relative to this area and the status of same, noting that a two-pronged approach had been under discussion which included intersection improvements and redoing the roadway, which would require negotiations with the landowners. A Warrant Article was submitted for consideration at the 1989 Annual Town Meeting to accomplish certain intersection improvements at a cost of \$50,000, but was withdrawn because of fiscal constraints. In the period after Town Meeting, a Committee known as Save our Streets proposed some low-cost interim measures which had been studied by the Town's Engineering Department and recommendations had been provided to the Board accordingly. Mr. Place stated that because Powder Mill Road intersects with the Town of Maynard and the Town of Acton may also be affected because of the Town bound, approval is being solicited relative to the current proposal.

Mr. Thompson informed that in accordance with those recommendations, two additional stop signs have been installed this day in Powder Mill Road at Powers Road completing a four-way stop.

As to the condition of the road, Town Engineer Place described a narrow, varying 14-18 foot-wide paved surface with insufficient room to allow school buses and, in some instances, automobiles to pass safely. In addition, there are physical impediments at the road edge, an eroded pavement, and poor sight distances. Defending the placement of the proposed sign at the intersection of Powder Mill Rd. and Powers Rd. rather than at the intersection of Powder Mill Rd. and Rt. 117 as Ms. Bell and Ms. Simmons had suggested, Mr. Place opined that placement elsewhere would enable vehicles to bypass the sign by driving around. It is estimated that traffic will increase by approximately 100 vehicles during peak hours after Digital's expansion.

Mr. Edward Lewish, 37 Powder Mill Road, stated that he is one of the two residents on the westerly side of Powder Mill Road which will, in his opinion, be adversely affected by the sign restricting traffic to southbound drivers. Since there are dangerous sight obstructions affecting exit from properties at that location, such exit is in fact assisted by traffic flowing in both directions which must slow down in order to pass on the roadway. The only traffic control which would help his situation would be exclusion of all traffic. He stated that he would not want the Town to go forward with the sign unless the Town removed the sight obstructions.

Mr. Place informed Mr. Lewish that there was a Town plan which would detail whether or not the obstructions in question were located upon private or public property which he would gladly discuss with him.

Dikran Beurklian, 106 Powder Mill Road, stated that snow and ice in addition to trees and rocks produce very dangerous walking conditions for school children that are dropped off by the busses in that there is no place to walk off the pavement. It is his opinion that the speed of traffic must be reduced to twenty miles per hour and any traffic restrictions be effective for both morning and evening commuter periods. Regarding his suggestion that walkways be constructed, Chairman Drobinski recommended that he contact the Planning Board.

Robert Gottberg, 89 Mossman Road, stated his opposition to the sign stating that, in his opinion, the Town would be setting a bad precedent by approving a "one-way" street when there are other streets with many more homes and much more traffic.

In response, Sandra Bell, 34 Powder Mill Road, stated the proposal is not for a one-way street and opined that although Powder Mill Road is not the only Town road with a serious traffic problem, it is unique in that it is a major access to another Town. Further, it was the Committee's intent with its four suggestions to mitigate those problems at little or no cost since there is no funding for intersection improvements.

To Mr. Gottberg's query regarding a traffic survey, Selectman Cope stated that she personally had completed such a survey and the data is available.

William King, Chairman of the Maynard Board of Selectmen, stated that Maynard was willing to work with Sudbury toward a solution, but noted that the rerouting of traffic as proposed would directly impact four small close neighborhoods in Maynard. Citing a similar resolution in the Town of Maynard, Mr. King noted that it is extremely difficult to monitor the "residents only" provision. In this instance, where the road is an access to four large firms, Mr. King stated that perhaps the best solution would be to widen the way.

Chairman Drobinski noted that there were other ramifications to widening the road which must be taken into consideration.

William Fallon, 41 Virginia Ridge Road, noted that because of the location of his home he has no choice but to travel on Powder Mill Road. He is in favor of placing the proposed sign if the situation is reviewed in one year. He emphasized that enforcement and education are critical to the approach. Noting that because of two accidents in which his children have been injured, his wife has placed a mirror on a tree hoping to provide a measure of safety, although this and the proposed sign are bandaid solutions to a costly and serious problem.

Robert Weiskopf, 44 Virginia Ridge Road, stated that there are thirty homes on his street which intersects with Powder Mill Road and that there are approximately thirty more planned for construction. Additionally large traffic volume is generated by Digital and other companies located on Powder Mill Road, making it a very different situation than that on Mossman Road. He is in favor of the proposed sign but suggests the need to expand the sight visibility as well.

Upon query from Chairman Drobinski, Town Engineer Place stated that no private owners have been approached relative to removal of trees and the Planning Board had not required a walkway or sight easement at the time of subdivision approval.

Maynard Selectman Anne Flood stated that as Sudbury receives the brunt of through traffic, Maynard bears a tremendous burden with having three state roads within its borders. If Sudbury does implement this proposal, four school bus routes in Maynard will be seriously impacted by traffic on Waltham Street because of rerouting.

In response to Mr. Gottberg's question as to whether Digital intends to help, Ann Hurd, Director of Community Relations, Digital Equipment Corporation, stated that Digital will participate in the process and has not discounted working with the Towns, noting that until tonight the company has not been made aware of much activity.

In response to a question about construction of a sidewalk connecting Tavern Circle and Cranberry Circle, the Town Engineer stated that he is working with the developer's engineer relative to the design, but there are problems with wetland crossings in two locations.

Sandra Bell reiterated the Committee's position to try to keep the traffic on roads where it can be best handled and stated that it would work with Maynard to afford as much protection as possible to the neighborhoods which would be impacted.

In response to Ms. Bell's query concerning Maynard's experience with restricting traffic on one road, Selectman Flood stated that a policeman is needed to enforce the restriction since the honor system just does not work given the fact that the road, even with its problems, is a shortcut. Patricia Simmons, 4 Powder Mill Road, added that she had spoken with several residents of that Maynard road and they were of the opinion that the sign did work.

In response to Selectman Cope, Barbara Goldsmith, 16 Alta Road, a Digital employee and Powder Mill Road jogger stated that she has noticed a distinct increase in speed and traffic and would very much like to see a walkway expedited.

As to whether there would be additional construction in the area, Chairman Drobinski noted that zoning is the only way to guide growth, noting that the Sudbury area is zoned residential and that both the Town and the Water District own land in the area.

Selectman Wallace noted that the comments tonight were well taken and that the Town finds itself trying to find a balance between the requirements of modern day life and maintaining a rural community. While Selectman Wallace feels that this proposal is a bandaid solution for one of the most dangerous intersections in the whole Town, and he does not want to cause more problems for Maynard, he expressed his belief that it should be tried for a year.

Keith Johnson, 120 Powder Mill Road, stated that the road surface is full of potholes and inquired about the plans for resurfacing it. Executive Secretary Thompson suggested that he contact the Highway Surveyor to inquire about the schedule of resurfacing which is a contracted service and to request the Highway Surveyor to look at the surface of the road relative to repair. It was also noted that heavy trucks moving sand are a problem on the road and perhaps should be restricted. It was suggested that this might be an issue for the Earth Removal Board.

Chairman Drobinski closed the hearing with his appreciation to all attendees for providing their input, particularly acknowledging the presence of the Maynard Selectmen. He suggested that if there are other issues than those discussed this evening, they should be brought to the attention of the Executive Secretary.

Mr. Thompson stated that the minutes and file data will now be forwarded to the Maynard Board of Selectmen for a recommendation prior to the vote of the Sudbury Board of Selectmen to amend Sudbury's Traffic Rules and Orders. In the meantime, Sudbury will continue to explore other approaches such as improving the sight distance by removing trees and rocks.

Road Discontinuance/WANT ADvertiser

Present: Town Engineer I. William Place.

Town Engineer I. William Place informed that Board that he had met on August 29 and 30 with District #4 Highway Engineer Peter J. Donohue relative to the proposed discontinuance of a portion of Old Boston Post Road in the vicinity of the WANT ADvertiser. This proposal issued from a recommendation by the Sudbury Police Department Safety Officer during the Site Plan Special

Permit process that it be considered for safety reasons. The portion discontinued, if voted by the State Department of Public Works, would revert to the Town and allow it to address the dangerous intersection.

Selectman Drobinski, stating that we do not wish to inherit any liability, cautioned that we should ascertain whether the transformers located in that portion contain PCB's.

Selectman Cope emphasized that the Washington Drive neighbors do not want to alter the road. It was on motion unanimously

VOTED: To proceed with the process to abandon a portion of the Old Boston Post Road located at the front of the WANT Advertiser property located at 740 Boston Post Road.

Ft. Devens Annex/GSA Status

Executive Secretary Richard E. Thompson informed the Board that a day long meeting had been held today inclusive of an extensive site visit relative to the Fort Devens land proposed for excess by the federal General Services Administration (GSA). Attendees were: Conservation Coordinator Deborah Montemerlo and himself representing the Town; Gordon Tucker, 5 Firecut Ln., Sudbury; Sudbury Housing Authority Director Jo-Ann Howe; Executive Assistant Paul Blazar, Town of Hudson; Wendy Ormont and Bern Collins, National Park Service-WASO, Washington Office; Raymond Andrews, National Park Service-MARO, Philadelphia Office; Patrick Babineau, MAPC Staff; and David Soule, MAPC Director. Four options illustrated by the Town had been discussed: 1. Open Space; 2. transfer of 70 acres to the Sudbury Housing Authority; 3. division of land between the SHA, MBTA, and the Town of Sudbury with the remainder to be sold by the GSA conditioned upon buffers and preservation of historic sites; 4. reversion to original owners (State and Town). Mr. Thompson stated that after another site visit planned for November 21, the federal officials will go back to their respective offices and issue their reports to the National Park Service for its recommendation to the GSA.

Hop Brook Ponds Study Committee Appointments

Executive Secretary Richard E. Thompson stated that he had placed this item on the agenda for direction as to the setting up of a Committee to implement the actions and recommendations from the Whitman and Howard report to improve the water quality of the Hop Brook water system. The Board provided its suggestions as to those persons, in addition to the Conservation Commission and the Board of Health, who should be contacted as to their interest in serving on such a Committee: Ursula Lyons, Marilyn Novak, Frank Strouse as a representative of the Hop Brook Protection Association, and Robert Maher. The Executive Secretary was directed to contact Northland and the Sudbury Valley Trustees for their choice of representatives, and further to update the newly elected Mayor of Marlboro requesting an appointee to represent the City.

Law Budget, FY91

The Board reviewed the two alternative FY91 Law Department Budgets prepared in accordance with Finance Committee instructions and approved budget No. 1 which is bottom line level funded but shifts litigation expenses to increase the amount provided for the staffing of the Assistant Town Counsel position, and budget No. 2 which seeks an increase of \$5,000 for litigation expenses over Budget No. 1.

Ceremonial Bonfire

At the request of Chief Dunne, dated November 20, 1989, it was on motion unanimously

VOTED: To authorize a permit for a ceremonial bonfire at the Lincoln-Sudbury Regional High School on November 22, 1989 in accordance with M.G.L. c.111, §142H.

Chapel Property Trust Parcel - Mossman Road

The Board noted receipt of a letter, dated November 3, 1989, from 22 residents of Mossman Rd., Willis Rd., Blandford Dr., Silver Hill and Ledge Rd. requesting the Town's action in dealing with safety issues and "visual blight" at the parcel on Mossman Road owned by the Chapel Property Trust, Robert Quirk, Trustee. The property, formerly owned by the Maria SS Indulgence Society, contains six buildings now in various stages of disrepair, brush piles resulting from the clear cutting, unfilled excavations and is, in the opinion of the petitioners, an "attractive nuisance".

Executive Secretary Richard E. Thompson informed the Board that the property was inspected this day by the Deputy Building Inspector Earl Midgley who had submitted a report documented by photographs.

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

VOTED: To direct the Executive Secretary to send written notification to the Chapel Property Trust, owner of property located off Mossman Rd., that the Board intends to hold a hearing in accordance with the requirements of M.G.L. c.139, §1, relative to the condition of the subject property, the removal of buildings and cleanup of the property.

Landfill Matters

The Board acknowledged a communication, dated November 16, 1989, from Highway Surveyor Robert Noyes regarding the failure of the Personnel Board to approve an advanced step increase for the Landfill Monitor as requested by Mr. Noyes. Selectman Cope urged the Executive Secretary to carry out his expressed intention to work with Mr. Noyes to resolve the issue.

Because Raytheon Company is now recycling and not using the Landfill, the Landfill Enterprise Fund revenue and budget must be adjusted accordingly to reflect the reduction in fees (approximately \$70,000 per year). Mr. Thompson stated his intention to write a report on both this and the Pool Enterprise Fund.

Selectman Cope had been contacted by members of the Resource Recovery Committee and urged Mr. Thompson to try to get the Department of Environmental Protection to move on the joint recycling program proposed by Sudbury and Wayland, noting the emphasis the Governor has placed on the subject by means of an Executive Order. Mr. Thompson cautioned that it might not be the money maker that Selectman Cope and the Committee believes it to be, but that its value lies in providing the means to extend the life of the Landfill.

Relative to the poor monthly report on the Landfill noted at the previous meeting, Mr. Thompson reported to Selectman Cope that the operator had not been present on all but one of those days and that the Town Engineer suggests that improvement will be shown in this coming month.

Gasoline Tank Removal, Union Ave. Mobil

Chairman Drobinski requested that the Fire Chief contact him to discuss the soil testing and other issues incidental to the gasoline tank replacement at the Union Ave. Mobil Station.

Ambulance Equipment Solicitation

Mr. Thompson reported that Chief Dunne had received the support of the Sudbury Foundation and Raytheon Company relative to purchase of a defibrillator for the ambulance, and is hoping that other companies will come forward to share the expense.

Unisys Property

Selectman Wallace reported that the Committee had interviewed two consultant firms and has chosen one contingent on funding which is being explored in conjunction with the Town of Concord. Possible Sudbury funding sources suggested included transfer from the Finance Committee's Reserve Fund and the Conservation Fund. Selectman Wallace noted that the data is available for the consultant's review upon direction from the Committee.

Recap Sheet/Enterprise Funds

Mr. Thompson stated his intention to meet with the Board of Assessors on November 27, 1989, relative to the reporting of the Town's two Enterprise Funds on the State's Recap Sheet, since the Department of Revenue has indicated that it wants justification provided for the revenues and expenditures projected.

Zoning Enforcement

Selectman Cope reported she has spoken with the Zoning Enforcement Agent regarding the Union Avenue Schofield property and all of its related problems and especially asked the Executive Secretary to report back as soon as possible on this matter, including compliance of Regional Construction company on the same site.

Wood-Davison House/Rice Will

Executive Secretary Thompson noted that Town Counsel's Office has requested an inventory of the Rice collection for discussion with the Attorney

General's Office relative to the requirement imposed for assent to the use of the Rice Will proceeds for the housing of the Rice collection within the Wood-Davison House, namely humidity and fire control measures. Town Counsel will report back to the Board when this issue is resolved.

In the matter of the public relations campaign soliciting donations to move the house and the accompanying footsteps painted on the walkways along the route denoting the campaign progress, the Board concurred in its opinion that no further decoration or autographing of the painted feet should be permitted.

Chamber of Commerce

Selectman Cope reported that the Chamber of Commerce needs more members. The Board expressed its support of the Chamber as a valuable asset to the Town.

There being no further business the meeting was adjourned at 10:15 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk