

22

IN BOARD OF SELECTMEN  
MONDAY, OCTOBER 16, 1989

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

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

Republican Election Officer - Appointment of Emergency Inspector

It was on motion unanimously

VOTED: To appoint Bonnie McConnon of 15 Griffin Lane to the position of Republican Election Officer, Emergency Inspector, as recommended by Republican Town Committee Chairman Robert Holzwasser in his memorandum received October 11, 1989, for a term to expire August 15, 1990.

Town Report Committee - Appointment

It was on motion unanimously

VOTED: To appoint Patricia Huston of 565 Dutton Road to the Town Report Committee for a one-year term to expire April 30, 1990, as recommended verbally by Ellen Given, Chairman of the Town Report Committee on October 10, 1989.

One-Day Liquor License - Ethel V. Johnson

It was on motion unanimously

VOTED: To grant a one-day License for the Sale of Wines and Malt Beverages Only to Ethel V. Johnson of 242 Peakham Road, to be exercised on October 27, 1989, from 8:00 p.m. - 12:00 p.m. at Our Lady of Fatima Parish, Concord Road, for a scholarship fund-raising event, as per verbal confirmation received October 12, 1989, that Father Foley of the Church has approved same.

As done in the past two years of this Fund-Raising event, it was further on motion unanimously

VOTED: To waive the fee for obtaining such license.

Natick Board of Selectmen - Invitation To Attend Meeting Re: Regionalization

Upon review of letter dated September 25, 1989, from Mel Willens, Chairman, Board of Selectmen for the Town of Natick, inviting the Selectmen from various communities to attend a meeting on Thursday, October 19, 1989, at Morse Institute Library for the purpose of conducting a general discussion concerning the exploration of alternative regional approaches for providing necessary public services, the Selectmen each expressed regret at being unable to attend. Selectman Cope advised that she will be speaking with representatives of the MetroWest Regional Planning Committee concerning this matter and will report back to the Board with further information.

Minutes

It was on motion of Chairman Drobinski, seconded by Selectman Wallace with Selectman Cope abstaining

VOTED: To approve the minutes of the regular session of October 2, 1989, as corrected, the executive session of October 2, 1989, as presented, and the special executive session of the joint meeting of October 5, 1989, as presented.

Council On Aging - Donations

It was on motion unanimously

VOTED: To accept \$247.15 in miscellaneous donations for deposit into the Council On Aging Van Donation Account; and to authorize the Council On Aging to expend the same for purposes of operating and maintaining the Council On Aging van.

Site Plan 89-312 - Bank of Boston

Upon review, it was on motion unanimously

VOTED: To sign Plans A1 (Schematic) and A2 and A3 (Elevations) relative to Site Plan 89-312 of Boston of Boston, 421 Boston Post Road, approved by the Board on September 11, 1989.

Stump Dump

Chairman Drobinski requested an update from Executive Secretary Thompson relative to a past meeting's discussion regarding a Stump Dump; and Mr. Thompson advised that a meeting has been scheduled concerning same for October 30, 1989; and he will report back the results of said meeting to the Board.

Warren Boyce - Appointment as Permanent Supervisor of Town Buildings

Executive Secretary Thompson reminded the Board that Warren Boyce had been appointed temporary Supervisor of Town Buildings in May because of the inability of Douglas Lewis to perform his duties. Upon inquiry by Selectman Wallace, Mr. Thompson confirmed that Mr. Lewis would not be returning.

There was a consensus that Mr. Boyce has been doing an excellent job and feedback received has indicated that everyone is very pleased not only with the job he has been doing but with the responsibilities he has undertaken on his own.

After further discussion, and based upon recommendation by Executive Secretary Thompson, it was on motion of Selectman Cope unanimously

VOTED: To appoint Warren Boyce to the position of full-time Supervisor of Town Buildings, at his current salary; and to request the Executive Secretary to research and report back to the Board whether or not the salary presently received by Mr. Boyce as part-time Electrical Inspector is adequate or should be upgraded.

Francis J. Koppeis - Proclamation

In order that the Selectmen may attend the testimonial dinner being held for retiring Wayside Innkeeper Francis J. Koppeis, Executive Secretary Thompson reminded the public that the regularly-scheduled Selectmen's meeting of October 30, 1989, is being cancelled.

Upon review, it was on motion of Chairman Drobinski unanimously

VOTED: To sign draft Proclamation prepared in honor of retiring Wayside Innkeeper Francis J. Koppeis, and to recite said Proclamation at the testimonial dinner scheduled for October 30, 1989, in his honor.

L-S School Committee - Fundraising Phone-a-Thon

Selectman Cope reported that she received a telephone call from Pat Mullen on behalf of School Committee Chairman Gerry Nogelo, who asked if the Selectmen would be available to lend assistance to the Committee by manning the telephones on Sunday, November 19, 1989, for its fund-raising Phone-a-Thon.

The Selectmen noted that that date is the start of Thanksgiving week, but all agreed that they would do the best they can to lend support to this worthy endeavor.

Bowker Area - Halloween Night

Executive Secretary Thompson reported that he has met with a couple of residents from the Bowker Land Grant area who have expressed their fears and concerns relative to Halloween.

The Selectmen concurred in their knowledge of past problems in that area on Halloween, usually caused by teenagers frightening the younger children, random acts of vandalism and even more serious acts of violence.

The Chairman requested that the media let the public know that the Selectmen are urging all parents to accompany their young children on their "Trick or Treat" rounds; and that the Selectmen are requesting the teenagers to stay away from the Bowker area unless they live in that neighborhood. Mr. Thompson explained that the Police are fully aware of the situation, will be out in full force.

After further discussion, it was on motion unanimously

VOTED: To direct the Police Department to arrest anyone conducting themselves in a disorderly, disruptive or fearsome manner, or otherwise violating the laws of this Commonwealth and rules and regulations of this Town, and to prosecute to the fullest extent of the law.

Special Permit 89-311 - Paris Realty Trust (Chiswick)

Present: Theodore Pasquarello of Paris Trust; J. Arnold Nickerson; Bruce Thomas and Frederic King of Schofield Brothers, Inc.; and Douglas Resnick, Esq.

Chairman Drobinski convened a continued Public Hearing to consider application SP89-311 of Paris Realty Trust (for Chiswick Trading Company) for a Site Plan Special Permit in accordance with Sudbury Zoning Bylaws, Article IX.V.A., for revision of Site Plan Special Permit No. 85-293-2 relative to the Phase II portion, involving reduction by 30,000 square feet of approved building construction for mixed limited industrial use and new construction of an 11,450 square foot 500-seat theatre, at 490 Boston Post Road, Limited Industrial District #1, received May 31, 1989; continued July 31, August 14, and September 18, 1989 by mutual agreement.

Executive Secretary Thompson informed that since the last hearing, the following have been received:

1. Letter dated October 10, 1989, from Design Review Board Chairman Joyce Wells Fantasia, advising that since that Board has not yet seen the final architectural or landscape plans for the proposed theatre, and since no formal sign application has been filed, the Design Review Board requests that approval of the Site Plan for this project be made conditional upon review and approval of such plans, as well as the completed landscape plantings.

2. Letter dated October 16, 1989, from Frederic W. King, Project Manager, Schofield Brothers, Inc., attaching 12 sets of sheets #1, #2 and #3 of the site plan for the subject project which have been revised in response to comments received from Town Boards and officials over the past months, and Mr. King outlined said changes, summarized as follows:

- removal of parking spaces on the west side of the proposed theatre building in response to the Fire Chief;
- reduction of 2,500 sq. ft. of impervious surface by use of gravel surface for northwest truck turn-around and increased plaza landscaping;
- removal of word "Club" pursuant to vote of the Special Town Meeting obviating use of that organizational concept;
- notation of the striping of the northerly parking lot per recommendation of the Building Inspector;
- notation relative to location in Water Resource Protection District Zone II and addition of 100 ft. Wetlands Protection Act buffer zone line per recommendation of the Town Engineer;
- reduction of overall parking spaces from 414 to 390 to accommodate creation of plaza and increased landscaping; although the revised parking computations, recommended by the Planning Board and indicated on the plan, reflect an increase resulting from a more detailed breakdown of the current uses, the total spaces of actual and proposed parking exceed the number required even with the reduction shown;
- changes in landscape plan will reflect the planting and pavement schemes discussed with the Design Review Board and will show contours as recommended by the Town Engineer;
- minor changes to proposed drainage system to incorporate recommendations of the Town Engineer and the Water District's consultant, Dr. Chiang, which include increase in depths of sumps of catch basins and gas and oil trap drain manholes, use of precast monolithic base units for Phase II drain manholes and catch basins, and addition of grease and oil trap outlet to catch basin #7.

3. Letter dated October 16, 1989, from Town Engineer I. William Place, P.E., advising that he has compared the partial As-Built plan to the original

design plan for Chiswick Park and finds that the existing building and parking areas are in general conformance to the approved plan and thus the applicant has satisfied Item 6 of his letter dated July 21, 1989.

Bruce Thomas of Schofield Brothers, Inc. presented a number of sets of the landscaping plan (Sheet 4) entitled "Phase II - Landscape". However, since the existing and proposed contours were not shown on that plan, Mr. Thomas took the plan back, will add same to it and bring a number of copies of same into the Selectmen's Office tomorrow for distribution.

Selectman Cope stated that she has received feedback from the Sudbury Village Concept group, who notes that part of the Chiswick property abuts the roadway they have in mind as part of their long-term "Village" plans. Mr. Pasquarello stated that he has already met with Town Engineer Place and went over a couple of ideas concerning this situation if and when it comes up. Mr. Pasquarello stated that he would keep an open mind on the subject and work with the Town on the project in the future.

In answer to inquiry, Mr. Pasquarello advised that they are scheduled to go before the Planning Board October 23, 1989.

In response to inquiry by Selectman Cope, Mr. Pasquarello reiterated what he stated in past meetings that he is not required by DEQE to monitor the wells. Mr. Pasquarello pointed out that he has had water samples taken from the wells and with the exception of one well [#103], all came up completely clean. Mr. Pasquarello therefore suggested that he continue to monitor that well only, and Chairman Drobinski opined that he believes this would be acceptable.

Chairman Drobinski next brought up the issue of the timing of the matinees, and Mr. Nickerson stated that since the only matinee in question is the Saturday one, he suggests having half of them at 2:00 p.m. and half of them at 4:00 p.m. for a period of time. That way, Mr. Nickerson concluded, all could observe the impact on traffic at the various times and a consensus could be reached amenable to all. Mr. Pasquarello pointed out that the traffic concerns were stated to be up to 1:00 p.m.; thus he does not believe a 2:00 p.m. matinee would significantly affect the traffic.

A discussion was then held concerning Rt. 20 traffic control after performances and whose responsibility it would be. Executive Secretary Thompson suggested that the same procedure be employed as with the Raytheon situation. Mr. Thompson explained that the traffic monitors would be hired by the theatre, approved by the Police Department and appointed by the Board of Selectmen. There was general agreement that this procedure would present no problem.

Chairman Drobinski mentioned a continuing concern he has expressed about a walkway linking the front and back parking areas. Mr. Pasquarello stated that if in the first few months of the theatre's operations, there is any use by patrons on that back parking area, he would immediately make plans to construct a walkway. And even if no such problem does occur, Mr. Pasquarello stated, at such time as the Village Concept becomes more of a reality, he is prepared to sit down and discuss the construction of a walkway that would tie in with that project. However, Mr. Pasquarello explained, to construct a walkway at this point without any real need would be an unwise business decision that he cannot

afford to undertake. Mr. Drobinski stated satisfaction with Mr. Pasquarello's response.

There next followed a discussion about the number of seats for the theatre. Chairman Drobinski reminded applicant that although 500 seats were requested, Selectman Wallace has made it clear that he believes a lesser number should be granted at the outset and that number increased if at the end of a specified period of time it is decided that the additional seats will cause no discernible traffic or engineering problems. Chairman Drobinski further pointed out that once a set number of seats are approved, it is more difficult to go down in the numbers rather than go up.

Mr. Nickerson offered a proposal whereby the full 500 seats would be allowed for the Friday and Saturday evening performances only. Mr. Pasquarello suggested that, if the feeling is to limit the seating to 450, the trial period for this arrangement be for six months instead of a year. There was a consensus that this might be a reasonable time. This issue was concluded by Town Counsel suggesting that the number of seats is a matter that the Selectmen may wish to recommend to the Board of Appeals for inclusion in the Special Permit, unless traffic analysis indicates otherwise.

Selectman Cope addressed her concern to Town Counsel Paul Kenny that what she and the other Selectmen approve would reflect the wishes and concerns of the past Board. Attorney Kenny stated that it is not unusual to incorporate the prior Board's decision by reference, and this would be a way of ensuring that all concerns are adequately addressed. Selectman Cope said she would like to do so, and that would relieve some of her concerns.

Selectman Cope asked if a maximum square footage could be placed as a condition on this parcel. After discussion, it was concluded that the Selectmen could not do so. In response to Selectman Cope, Mr. Pasquarello stated that he would not voluntarily restrict the square footage of development allowed under zoning, stressing the need for flexibility in a site already limited by topography.

Selectman Cope stated that after discussion with members of the Planning Board and the Village Concept group, there was a request that applicant be asked if he would consider granting a by-pass roadway easement to the Town. Mr. Pasquarello reiterated his sincere intent to cooperate with the Town in achieving its goals; but as a businessman, he cannot make such a promise without more concrete details and analysis.

As a last point of information, Mr. Pasquarello stated that if all goes well with the Planning Board and he has all permits in hand soon, he would expect breaking ground early next Spring, which would hopefully mean a late September early October 1990 opening.

It was on recommendation of the Executive Secretary and on motion unanimously

VOTED: To approve Site Plan 89-311 of Paris Realty Trust (for Chiswick Trading Company) for a Site Plan Special Permit in accordance with Sudbury Zoning Bylaws, Article IX.V.A., for revision of Site Plan Special Permit No. 85-293-2 relative to the Phase II portion, involving reduction by 30,000 square

feet of approved building construction for mixed limited industrial use and new construction of an 11,450 square foot theatre, at 490 Boston Post Road, Limited Industrial District #1; subject to Town Counsel's Office drafting a decision incorporating appropriate Board and officials' comments, concerns and recommendations; and incorporating by reference the Decision by the Board of Selectmen of August 26, 1986.

It was agreed to consider recommending to the Board of Appeals that seating be limited (400-450 under discussion), with a review for increasing said number after a six-month period of operation. The Selectmen will also discuss a recommendation to the Board of Appeals concerning the applicant's request for maximum seating for Friday and Saturday performances and also the question of the timing of the matinees.

The Selectmen requested Town Counsel's Office to present the Decision to the Board in sufficient time for review and signing on October 23, 1989.

Resident Robert Merowitz of 26 Shadow Oak Drive stated that he is owner of the Colonial Theatre and Wilbur Theatre in Boston, and is very familiar with Mr. Nickerson's theatre operation. Mr. Merowitz wished to state his firm support for the endeavor and expressed his belief that the theatre will be an essential contributor to the financial success of the business community and the Town. Mr. Merowitz also supported a higher seating capacity to help ensure the theatre's financial success.

October 17 Special Town Meeting

Present: Town Moderator Thomas Dignan.

The Board considered the question of taking positions and designating speakers regarding Special Town Meeting articles, and made the following decisions relative thereto:

Article 1, Street Acceptance - Old Meadow Road (Portion): Will be Indefinitely Postponed; Chairman Drobinski will speak.

Article 2, Special Act - Barker Real Estate Tax Refund: Chairman Drobinski will move; Executive Secretary Thompson will speak on behalf of the Barkers; Julia Barker is expected to speak.

Article 3, Special Act - Symington Real Estate Tax Refund: Chairman Drobinski will move; Executive Secretary Thompson will speak on behalf of Martha R. Symington.

Article 4, Expand and Renovate Nixon School, Renovate Noyes School, Remove Asbestos, Relocate District Administrative Offices: Selectmen will not support; Selectman Wallace will speak on behalf of Selectmen.

Article 5, Renovate Nixon, Renovate Noyes, Remove Asbestos, Relocate District Administrative Offices: Selectmen will support, with the amount to be determined; Selectman Wallace will speak on behalf of the Selectmen. [Later in the evening Chairman Drobinski informed that he was informed by the School Committee that their \$4,000,000+ figure has been decreased to approximately \$3,600,000 because of certain decisions made; e.g., to delete some of the custom

carpentry originally planned; not to purchase all new furniture and furnishings for the expanded school at one time; to have installation of new conduits done but not hooked up, so that they might be utilized as needed in the future; installation of a "modular" boiler].

Article 6, Amend Zoning Bylaw, Article IX,II,C - Delete Research District No. 1: Selectman Cope will speak.

With regard to this Article 6, Ralph Tyler of Cold Brook Development, Inc., representing Unisys Corporation, asked to be heard before a vote was taken by the Selectmen as to their position.

Mr. Tyler presented to the Selectmen for their consideration a letter dated October 16, 1989, enclosing a completed Preliminary Plan application for the Sudbury Research Center I, Subdivision. Mr. Tyler stated that by filing this Plan, Unisys is demonstrating its willingness to begin planning a residential subdivision with complete flexibility as to its eventual layout based upon the input of land use planners and the constructive input of the Planning Board, Conservation Commission and other Town Boards.

The Selectmen discussed their feeling that a committee should be established for the purpose of developing a land-use objective for the property, and setting a firm deadline of December 20, 1989 for identifying that objective with the input of representatives of Unisys. Mr. Tyler strongly opposed such a proposal and pointed out that since the Town has clearly ruled out industrial and commercial use of the property, the townspeople should have the opportunity to make a decision as to residential development. Mr. Tyler stated that although he does not doubt the sincerity of the Selectmen in attempting to resolve the situation, Unisys has become convinced that the actions of other Boards have only been to delay any development by the company. It is for this reason, Mr. Tyler opined, that he believes Unisys will take such a motion as a further political stall tactic.

Mr. Thompson expressed his hope that by setting a firm deadline, Unisys will see the establishment of such a committee as a serious and sincere attempt to resolve this matter once and for all to the benefit of all parties concerned.

Following discussion, it was on motion unanimously

VOTED: To present to the Special Town Meeting a motion to refer the matter to the Selectmen who shall work in conjunction with the Planning Board to establish a committee, which shall include representatives of the Unisys Corporation, for the purpose of developing a land use objective for the property now located in Research District No. 1, identifying that objective by December 20, 1989, and submitting a zoning article incorporating that objective for action at the April 1990 Annual Town Meeting.

Approval of Warrant - Budget Schedules for Fiscal Year 1991

Upon review, it was on motion unanimously

VOTED: To approve the Warrant and Budget Schedules for Fiscal Year 1991, as presented.



Middlesex County Selectmen's Association Fall Dinner Meeting

The Board noted announcement from the Middlesex County Selectmen's Association of its Fall dinner meeting to be held Wednesday, November 8, 1989 at the Sheraton-Lexington Inn. The Selectmen are unable to attend.

Water District - Fire Hydrant Snow Removal

The Board reviewed letter dated September 25, 1989, from the Sudbury Water District, which requested the Town assume responsibility for fire hydrant snow removal, and offered three options to consider in resolving the problem.

Following discussion, it was on motion unanimously

VOTED: To request the Executive Secretary to communicate with Richard Carroll, Superintendent of the Sudbury Water District, that the Selectmen support Option 3 as proposed by the District insomuch as it pertains to requesting the abutters of the fire hydrants to provide immediate snow removal service for their own protection; but, acknowledging that the Water District cannot completely rely upon the full cooperation of the abutters, stress it is their position the Water District should continue to assume the ultimate responsibility of making certain the hydrants are cleared of snow.

Town Hall - Request For Use For 1990 Junior Prom

Executive Secretary Thompson informed that the Selectmen's Office has received a request by the 1990 Junior High School Class for possible use of the Town Hall for its prom. The request is for use of the lower Town Hall for refreshments and the upper Town Hall for dancing.

The Selectmen concurred that this would be a fitting tribute to the 350th Anniversary of the Town and would support the concept so long as the event is properly chaperoned, the Police and Fire Departments approve same, and the Hall's capacity is not exceeded.

At the request of the Selectmen, Executive Secretary Thompson will keep them apprised of developments as they occur.

Disposal of Asphalt

Executive Secretary Thompson informed that Town Engineer I. William Place has been trying to work something out with DEQE to allow at least temporary storage of the asphalt cuttings resulting from the various Water District projects at the Landfill. If these cuttings can be stockpiled at the Landfill, Mr. Thompson explained, then they can be ground and hauled off.

The Selectmen asked the Executive Secretary to keep them apprised of developments as they occur.

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

Attest:

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