

Board of Selectmen – May 6, 2013

Present: Tsagaris, Gibbs, Babson, McCauley (Ms. Searle arrived at 6:50 during the discussion of Fuller Brook Park project under Projects and Other Updates)

Also present: Larsen, Connolly, Robinson

Call to order: 6:30 pm.

Warrants approved: #2013-042 in the amount of \$3,046,637.87, #2013-043 in the amount of \$939,209.98, #2013-041 in the amount of \$3,351,064.18, #2013-040 in the amount of \$7,425,543.49, #2013-039 in the amount of \$2,315,674.03, #2013-038 in the amount of \$2,876,655.06.

Mr. Tsagaris announced that the Wellesley Farmers Market will reopen for a second season, the Wellesley Wonderful weekend begins on May 18th. Ms. Tsagaris also listed the details of the upcoming May 30th Memorial Day Observances.

1. Citizen speak

None.

2. Executive Directors Update

Mr. Larsen welcomed two guests from Pakistan, Uzma Naz and Sadia Hussain and gave a brief background on each of the visitors. Mr. Larsen noted that they were visiting as part of a U.S. Pakistan professional partnership program for public officials.

The Board voted (4-0) to approve \$250 gift donation by the House and Garden Club of Wellesley for the purchase of annual flowers to be planted at Central Park by the club on May 15, 2013.

Mr. Larsen circulated the Draft Order of Taking and the deed for the property at 17R Seaver Street. Mr. Robinson described the reasoning behind doing an eminent domain taking.

The Board voted (4-0) to approve the Eminent Domain Order of Taking in fee of 17R Seaver Street for Parkland Purposes. (The gift of this land was approved under Article 25 of the 2013 Annual Town Meeting)

The Board voted (4-0) to approve the minutes of the April 8, 9, 11, 22, 23, 2013 Board of Selectmen's Meetings.

Mr. Larsen discussed the Board meeting schedule changes and upcoming agenda items.

(The meeting was running ahead of schedule so the Board proceeded to Projects and Other Updates)

Projects and Other Updates

- Senior Center - Ms. Tsagaris noted that last week they met with the Permanent Building Committee to discuss next steps and moving forward. They will be conducting a traffic and parking study and hope to file the PSI application by the end of the month.
- Fuller Brook Park - Ms. Babson noted that the friends of Fuller Brook Park had a cleanup day on April 27. 75 people participated in the cleanup.
- 900 Worcester Street – Mr. McCauley thanked the Archdiocese for allowing the town to use the parking lot for the Morses Pond dredging project.

- Regional Matters – Ms. Gibbs noted that she had received a request from Josh Ostroff, Natick Selectmen, to submit a letter to the Globe, endorsing the senate version of a Transportation Finance Bill. Ms. Searle noted that the Wellesley Merchants Group is working on getting a “Go Local” connection on the Town’s website. Ms. Babson mentioned that banners will be going up for the 10th anniversary of the Library and they will be looking for feedback on the banners.
- Sustainability – Ms. Searle noted that the Power to Choose campaign has completed 202 energy audits and 52 more have been scheduled. More announcements will be going out on the program.

3. Police Patrolman Appointments

Chief Cunningham, and Deputy Chief Pilecki joined the Board. Chief Cunningham reviewed the recent vacancies in the Wellesley Police Department. Chief Cunningham then gave a brief background on candidates Mark D’Innocenzo and Brian Shore and recommended them for appointment as police officers in Wellesley.

The Board voted (5-0) to make conditional offers of employment to Mark D’Innocenzo of Medway and Brian F. Shore of Norwood as student officers for the Town of Wellesley Police Department, contingent on passing a physical examination, a physical abilities test and a psychological examination, and successfully completing the police academy, their employment to commence July 22, 2013.

4. Wellesley College and War Memorial Scholarships

Mr. Larsen discussed a note from Connie Walkingshaw of the Wellesley Scholarship Foundation, who is requesting the Board’s approval of the Wellesley College Town Grants. Mr. Larsen described this program and explained how it is unique to Wellesley.

The Board voted (5-0) to approve Wellesley College Town Grants to the students named on the list provided by the Wellesley Scholarship Foundation dated May 1, 2013.

5. Babson First Year Residence Hall PSI

Steve Langer counsel for Babson College joined the Board. Mr. Langer disclosed that he is a member of the Town’s Permanent Building Committee. Vinicius Gorgati and Zack Chrisco from Sasaki and Associates and Kim Hazarvartian from TEPP LLC joined the Board. Babson College would like to build a 200 bed First Year Residence Hall. Mr. Langer discussed the traffic and safety portion of the PSI. Mr. Gorgati presented an overview of the project. Mr. Hazarvartian reviewed the results of the related traffic study. Mr. Larsen briefly reviewed the Selectmen’s role in the municipal systems impact analysis performed for projects of significant impact (“PSI” projects). Kien Ho from the BETA Group, joined the board to review the results of Beta’s peer review of the traffic study. Mr. Ho made several recommendations and noted the level of new trips to be generated by the project does not meet the PSI threshold for impacted intersections.

Following further questions and answers, and discussion of the various recommendations, the Board agreed to grant approval subject to the following conditions:

- Biennial or triennial review of vegetation at the Forest Street site drive to address any adverse impact to sight lines.
- Construction vehicles are not to access the site via the Wellesley Avenue site drive.
- Construction vehicle trips in the study area are to be coordinated with concurrent Wellesley Country Club Pool project(s) so as to avoid adverse impacts during peak commuting periods.

- Timely installation of “All-Way” plaques at the intersection of Forest Street and Wellesley Avenue.

The Board voted (5-0) to approve the Traffic Impact and Access Study performed by TEPP, LLC as being professionally prepared and having sufficient evidence that the traffic conditions resulting from the proposed Babson College Residence Hall (PSI 13-01) will meet the Town’s Project of Significant Impact standards for level of service, sight lines, proposed site connections and pedestrian safety; and further the project will not add new trips to the study area roadway system. This approval is subject to specific recommendations made by the Selectmen to the Planning Board and Babson.

Mr. Larsen agreed to draft a report to the Planning Board on this matter for review by the Selectmen at their next meeting.

6. Common Victualler / Wine and Malt License Application – Susu’s, 575 Washington Street

Ms. Tsagaris opened the Public Hearing. Ms. Susan Aylward, owner of Susu’s and Mr. David Himmelberger, Attorney joined the Board. Mr. Himmelberger discussed the application for a beer and wine license for Susu’s Restaurant located at 575 Washington Street. Mr. Himmelberger provided new versions of the first two pages of the application, which correct the applicant’s name to read Susu’s LLC DBA Susu’s Bakery Boutique and Food Artisans. Mr. Himmelberger gave a brief background on Susu’s Bakery Boutique and discussed the change in operation and menu changes. Mr. Larsen noted the specific portion of the menu intended to satisfy the “intent to dine” requirement contained in the Town’s alcohol regulations. Ms. Babson questioned whether the existing seating arrangement satisfied the requirement for 50 seats. Ms. Aylward responded affirmatively. Following a short discussion by the Board, Ms. Tsagaris invited public comment. There was none. Ms. Tsagaris closed the public hearing.

The Board voted (5-0) to approve the Wine and Malt License for Susu’s Bakery Boutique and Food Artisans, 575 Washington Street and to name Suzanne Aylward as Manager.

7. Common Victualler License Application – Dunkin Donuts, 98 Central Street

Jim Doherty and David Himmelberger, counsel, representing Dunkin Brands, Inc. (Dunkin Donuts) joined the Board. The Board resumed discussed of the Common Victualler License application for a combined Dunkin Donuts and Baskin Robbins to be located at 98 Central Street in Wellesley. The Board previously discussed this matter at their April 11, 2013 meeting. Mr. Himmelberger noted that he believed that the issues previously raised by Kien Ho from the Beta Group, as a result of his peer review of the applicant’s traffic study had been addressed.

Kien Ho joined the Board and summarized his further conclusions regarding the traffic issues. He recommended the applicant perform a follow up traffic study once the new Dunkin Donuts is fully operational, to determine whether any signal timing adjustments are warranted.

Mr. Larsen reviewed the terms of the draft license agreement pertaining to seating on the Town-owned sidewalk. In response to questions from the Board, Jim Toomey, an additional representative of Dunkin Donuts joined the meeting and answered questions regarding delivery times and trash removal and configuration of the proposed sidewalk seating. The Board discussed the need for the applicant to maintain a trash receptacle in the licensed sidewalk area, and also to empty the Town’s receptacle on Sundays. The Board also discussed whether to specify the range of dates during which the sidewalk seating could be utilized. Mr. Robinson suggested there is some merit to allowing some flexibility on this point. Mr. Larsen agreed to amend the draft license agreement for the Board’s review at the next meeting.

The Board voted (5-0) to approve the Common Victualler's License for Dunkin Donuts located at 98 Central Street and to use a portion of the public sidewalk for two umbrella tables seating 7, with the condition that Dunkin Donuts will perform a follow up traffic study as described in Kien Ho's letter dated May 3, 2013, the date of the follow up study to be agreed upon by BETA and Dunkin Donuts.

8. Justine's Table – All Alcohol License Application

Ms. Tsagaris reopened the public hearing on this matter, which began on April 11, 2013. Larry Shind, Attorney for Classic Restaurant Group, Inc., and Gordon Breidenbach, Principal of Classic Restaurant Group joined the Board. Mr. Shind addressed the issues raised during the previous hearing regarding Justine's ownership structure. Justine's business has not been as brisk as hoped due to the lack of occupancy of the commercial space in the building. They have received customer feedback and determined that customers would prefer to purchase alcohol at the restaurant as opposed to bringing their own. Mr. Shind clarified the ownership structure & noted that Mr. Breidenbach is 100% owner of the business. Ms. Searle raised questions regarding the ownership structure, and the timing of changes to such. Mr. Breidenbach's responses did not fully alleviate the Board's uncertainty regarding the ownership structure.

Mr. Larsen noted the Board's prior concerns regarding the parking planned for this site. He reiterated that, based on his discussions with the property owner, he understands that construction of the residential building planned for the rear of the site will likely begin later this spring. Until that building is constructed and occupied, and the front building is fully occupied, the Town will not have a better basis for assessing the adequacy of the parking. Following further discussion, the Board expressed a consensus that they would prefer to see the site fully developed, and have some basis for assessing the adequacy of the parking, before licensing additional capabilities.

Mr. Robinson explained that it is the Board's decision as to whether or not there is a public need for alcohol to be served at this location.

Mr. Shind stated that his client would like to withdraw his request for a liquor license, and consider reapplying at a later date when the site is fully developed.

Ms. Tsagaris announced that the next meeting would take place on May 13, 2013 at 7:00 pm.

The meeting was adjourned at 9:27pm

Documents Presented: Babson First Year Residence Hall Presentation