

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, DECEMBER 18, 2012

Present: Chairman Lawrence W. O'Brien, Vice-Chairman Robert C. Haarde, Selectman John C. Drobinski and Town Manager Maureen G. Valente

The statutory requirements as to notice having been complied with, the meeting was convened at 7:35 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:35 p.m., Chairman O'Brien opened the meeting. On behalf of the Town and Board, he offered condolences to the residents of Newtown, CT, following the tragic recent events at one of their elementary schools. Selectman Drobinski had suggested a letter be sent to Newtown's Town Manager and Board of Selectmen offering assistance and expressing Sudbury's sympathies, which was read aloud by Chairman O'Brien. Chairman O'Brien stated Sudbury resident Lisa Eggleston suggested anyone interested in expressing their sorrow through a charitable donation consider contacting the Boston Foundation, which oversees the James Alenson Memorial Fund to support siblings of those who have been victims of acts of violence. He also stated HOPEsudbury will collect sympathy cards at the Sudbury Grange, through December 28, 2012, to send to Newtown. Chairman O'Brien further stated Sudbury Public Schools' (SPS) Superintendent and its School Committee convened a meeting with Sudbury's Police and Fire Chiefs last night to discuss safety-related issues, and the session was taped.

Selectman Drobinski remains shaken by the Newtown news, and was not able to express the depth of his emotions tonight. Vice-Chairman Haarde stated it is difficult to comprehend the tragedy. He believes supporting the James Alenson Fund and Scholarship is a good way to process what has happened. Vice-Chairman Haarde stated he spoke with Cub Scouts earlier, and he encouraged them to be kind and courteous in their interactions, to beware of bullying and to always reach out to anyone who needs assistance.

Proclamation – SrA Thomas McNabb

Present: SrA Thomas McNabb, his parents Anne and Dean McNabb and his siblings

At 7:42 p.m., Chairman O'Brien welcomed SrA Thomas McNabb to the meeting to receive a proclamation to be signed by the Board recognizing his military service. He stated SrA McNabb graduated from Lincoln-Sudbury Regional High School (L-SRHS) in 2006 and enlisted in the Air Force. He is stationed at Ellsworth Air Force Base in South Dakota, and he comes home when he can to visit family and friends. Chairman O'Brien read aloud the proclamation, which was signed by the Board and presented to SrA McNabb. Board members thanked him for his service.

It was on motion unanimously

VOTED: To sign a proclamation for SrA Thomas McNabb, acknowledging his safe return from a second deployment from the United Arab Emirates with the United States Air Force, and proclaiming Friday, December 21, 2012 as SrA Thomas McNabb Day in Sudbury.

Reports from the Town Manager

Town Manager Valente reported being very busy with continuing collective bargaining negotiations. She also stated the three cost centers presented mid-year financial reports last night to Sudbury's Finance Committee. Ms. Valente stated the Town is in a good position at this point of the year. However, Ms. Valente stated more funds were spent to keep Public Safety personnel deployed during storm/hurricane events than had been anticipated, and additional funds have been needed to support Veterans' Agent responsibilities.

Reports from the Board of Selectmen

Selectman Drobinski attended one of the Hosmer House Holiday Open House events. He encouraged the community to visit the Hosmer House to view the great decorating job the Sudbury Historical Commission does each year.

Vice-Chairman Haarde stated he has been busy attending meetings for the Route 20 Sewer Steering Committee and the Fairbank Center Study Task Force. He stated the Steering Committee will meet tomorrow night, and the Fairbank Task Force will meet on Thursday night.

Chairman O'Brien also attended the Hosmer House Holiday Open House events and participated in readings for children.

Sudbury Historical Society – “Images of America Sudbury” Presentation

Present: Sudbury Historical Society President Ruth Griesel and Chair Lee Swanson

At 7:50 p.m., Sudbury Historical Society President Ruth Griesel presented copies to each Board member of “*Images of America Sudbury*.” Ms. Griesel explained this book took nearly two years to complete. She described the process to be part of the Arcadia series, including having 200 photographs which have never been previously published. She introduced several members in attendance tonight who served on the Committee which was formed to prepare the book for publication, and she thanked them for their contributions. Ms. Griesel stated Ursula Lyons pursued a grant from The Sudbury Foundation, which was awarded. Lee Swanson wrote the captions for the photographs. Ms. Griesel also acknowledged Chuck Zimmer (absent tonight as was Nancy Summers and Mary Vivaldi) who provided technical assistance to scan the photographs and improve their quality. She also introduced Taka Morita, a volunteer archivist, to whom the book is dedicated along with Virginia Maenpaa (absent), and she thanked him for his valuable contribution to the project. It was noted the earliest photo dates from 1850.

In response to a question from Chairman O'Brien, Ms. Griesel stated the book can be purchased from the Sudbury Historical Society and at the Wayside Inn.

On behalf of the Board, Chairman O'Brien thanked the Committee for the books. He stated the Society does great work archiving Sudbury's history, and he encouraged residents to purchase the book.

Common Victualler and Entertainment License Application – Dimple A. Desai, Subsudbury, Inc., d/b/a Subway of Sudbury – 423 Boston Post Road

Present: Subway of Sudbury President Dimple A. Desai

At 7:59 p.m., Chairman O'Brien opened the discussion regarding the Common Victualler and Entertainment license applications submitted by Dimple A. Desai, d/b/a Subway of Sudbury, Dimple A. Desai, President, 423 Boston Post Road, as requested in an application dated November 7, 2012. The Board was previously in receipt of the applications and accompanying materials, an email communication from Board of Health Director Bob Leupold dated November 15, 2012, an email from Interim Building Inspector Mark Herweck dated November 21, 2012 and an email from Assistant Fire Chief John Whalen dated November 19, 2012, all stating no objections to the request.

Subway of Sudbury President Dimple A. Desai stated she has other stores in Marlboro and Grafton, and she believes Sudbury will be an excellent new location. Ms. Desai stated the hours of operation will be 7:00 a.m. to 10:00 p.m., seven days a week.

Chairman O'Brien asked when the opening of the store is anticipated. Ms. Desai stated she hopes to be open by the end of January.

Selectman Drobinski wished Ms. Desai well, and he stated it is good for Sudbury to have businesses opening.

Vice-Chairman Haarde stated there were no objections to the application from Town departments. He asked if 40 seats are planned as indicated on the plan. Chairman O'Brien noted the approval from the Board of Health was for 30 seats, but the plan indicates 40. Selectman Drobinski stated the septic system will determine the number of seats, as approved by the Board of Health.

Chairman O'Brien encouraged Ms. Desai to check on the number of approved seats before purchasing inventory. He noted the store will be in a good location, and he welcomed her and her business to Town.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to approve the Common Victualler and Entertainment License for Dimple A. Desai, d/b/a Subway of Sudbury, Dimple A. Desai, President, 423 Boston Post Road, as requested in an application dated November 7, 2012, subject to final inspections by the Board of Health, Interim Building Inspector and Fire Department, said licenses to expire December 31, 2013.

Common Victualler and Entertainment License Application – Skylana Associates, LLC , d/b/a T-wisted Frozen Yogurt – 410 Boston Post Road

Present: Owner/Manager Tom Polcari

At 8:05 p.m., Chairman O'Brien opened the discussion regarding the Common Victualler and Entertainment license application submitted by Skylana Associates, Inc., d/b/a T-wisted Frozen Yogurt – 410 Boston Post Road, and he welcomed owner Tom Polcari to the meeting. He stated it is good for Sudbury to fill another retail space. The Board was previously in receipt of the applications and accompanying materials, an email communication from Board of Health Director Bob Leupold dated December 12, 2012, an email from Interim Building Inspector Mark Herweck dated December 12, 2012 and an email from Assistant Fire Chief John Whalen dated December 12, 2012, all stating no objections to the request.

T-wisted Frozen Yogurt owner Tom Polcari believes the store will be in a good location for the self-serve frozen yogurt store which he plans to open.

Chairman O'Brien asked when the opening of the store is anticipated and how many seats there will be. Mr. Polcari stated he hopes to open in January, and there will be 14 seats, with most business being conducted on a take-out basis. He also stated the store will serve Italian cookies and will have special occasion birthday pies.

Chairman O'Brien asked if the store will be Mr. Polcari's or if it will be part of a franchise. Mr. Polcari stated the store will be his.

Selectman Drobinski referred to the plan and he clarified that there would be one entrance and one fire exit. Mr. Polcari confirmed this to be the plan.

Vice-Chairman Haarde stated there were no objections to the application from Town departments. He thanked Mr. Polcari for choosing to do business in Sudbury. He also noted the location has been approved for up to 19 seats.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to approve a Common Victualler and an Entertainment License for Skylana Associates, Inc., d/b/a T-wisted Frozen Yogurt – 410 Boston Post Road, Tom Polcari, Owner/Mgr., as requested in an application dated November 19, 2012, subject to final inspections by the Board of Health, Interim Building Inspector and Fire Department, said licenses to expire December 31, 2013.

Conservation Commission – Appointment

Present: Applicant Robert Elkind

At 8:10 p.m., Chairman O'Brien welcomed Sudbury resident Robert Elkind to the meeting to discuss his interest in serving on the Conservation Commission. He noted Mr. Elkind has been endorsed by the Commission. The Board was previously in receipt of copies of Mr. Elkind's application and an email from Conservation Coordinator Debbie Dineen dated November 19, 2012, stating the Commission recommends him for appointment.

Mr. Elkind has lived in Town for 13 years. He stated he has always thought of himself as an environmentalist and as an amateur botanist. Mr. Elkind believes the Commission will be a good way for him to put his interests to use for the Town.

Selectman Drobinski asked him how he would handle permitting conflicts which arise between parties. Mr. Elkind stated he would try to make decisions based upon reasonable standards, while recognizing that there needs to be a balance amongst growth, business and conservation needs. He also stated he has attended several Commission meetings.

Vice-Chairman Haarde thanked Mr. Elkind for volunteering for the position.

Chairman O'Brien stated he appreciates the interest shown, and he believes Mr. Elkind will learn more about his areas of interests by serving.

Town Manager Valente stated the application for appointment has been met with support, and she recommended Mr. Elkind for appointment.

It was on motion unanimously

VOTED: To approve the appointment of Robert Elkind, 38 Willard Grant Road by the Town Manager for an appointment to the Conservation Commission, filling a vacancy occasioned by the resignation of Ethan Jessup who moved from Sudbury, for a term to expire on May 31, 2016.

Public Hearing: Charles J. Precourt & Son, Inc. (Union Realty Trust) – 46 Union Avenue

Present: Applicants Michael and Harry Precourt and Dan Precourt

At 8:15 p.m., Chairman O'Brien opened the Public Hearing regarding the Minor Site Plan application submitted by Charles J. Precourt & Son, Inc. (Union Realty Trust), to construct a 960 square foot addition to an existing building, located at 46 Union Avenue, zoned Industrial District, Town Assessor Map K08, Parcels 0041 and 0043. Town Manager Valente read aloud the materials received to date by the Board, including copies of the "Application for Site Plan Approval dated November 19, 2012 and accompanying plan exhibits," the Notice of Public Hearing with the Selectmen, a memorandum from Ms. Kablack dated November 28, 2012 and another from her dated December 14, 2012, a draft "Site Plan Decision Sudbury Board of Selectmen Charles Precourt & Son, Inc. 46 Union Avenue, dated December 18, 2012, a letter from the Planning Board dated December 14, 2012, noting its support of this request for an existing local business and a memorandum from Conservation Coordinator Debbie Dineen dated November 30, 2012, noting her comments and that a wetlands filing will be required, and an email from Interim Building Inspector Mark Herweck dated December 12, 2012, noting no objections to the proposal.

Applicant Michael Precourt stated the major goal of the application request is to increase the space inside the working process shop for equipment and in order to work more efficiently. He stated the proposal includes a change to the building façade and to the corner of Union Avenue and Station Avenue to create some landscaping. Mr. Precourt stated a similar plan was approved by the Board of Selectmen in 1984, but it never came to fruition.

Chairman O'Brien asked for clarification of the location for the addition, which Mr. Precourt provided.

Selectman Drobinski stated the plan will create an improvement to the site for a long-standing local business which has always been supportive of Sudbury. He stated the request is minor. Selectman Drobinski further noted a Conservation Commission Notice of Intent (NOI) is required, and he asked if that is for the building or for the landscaping. Mr. Precourt stated it is in regard to the landscaping.

Vice-Chairman Haarde stated the application request appears straightforward. He believes the proposal is a good upgrade to the current structure, and he asked when construction will commence.

Applicant Harry Precourt stated it would be ideal if construction could begin soon, due to a large pending current project which will demand more space. He also stated the plan includes solar panels to be installed on the roof. The Board commended him on this feature.

Chairman O'Brien asked the applicants if they had the opportunity to review the draft Decision and if there were any objections.

Mr. Precourt stated the draft Decision is acceptable. He commended Director of Planning and Community Development Jody Kablack on the excellent job she did drafting such a thorough document so quickly. He also noted that, since the revision is minor, no formal drawings are required.

Chairman O'Brien suggested the applicant discuss with the Conservation Commission whether additional calculations will be needed.

It was on motion unanimously

VOTED: To close the Public Hearing regarding the Minor Site Plan application submitted by Charles J. Precourt & Son, Inc. (Union Realty Trust), to construct a 960 square foot addition to an existing building, located at 46 Union Avenue, zoned Industrial District, Town Assessor Map K08, Parcels 0041 and 0043.

It was also on motion unanimously

VOTED: To approve the Minor Site Plan application to construct a 960 square foot addition to an existing building, and installation of landscaping on property located at 46 Union Avenue, zoned Industrial District, Town Assessor Map K08, Parcels 0041 and 0043, consisting of 1.71 acres, as requested in an application dated November 19, 2012 and sign a draft Decision.

Public Hearing: LJD Partners, LLC, d/b/a Soul of India, 103 Boston Post Road, All Alcoholic Beverages License, Dariusz Zywna and Jaswant Singh

Present: Owners Dariusz Zywna and Jaswant Singh and attorney Peter Szechenyi

At 8:28 p.m., Chairman O'Brien opened the Public Hearing regarding the request by LJD Partners, LLC, d/b/a Soul of India, 103 Boston Post Road, to transfer the All Alcoholic Beverages License License, Common Victualler and Entertainment licenses from Sangam Restaurant Corporation, d/b/a Pongal II Restaurant, 103 Boston Post Road to LJD Partners, LLC, Dariusz Zywna, Manager, d/b/a Soul of India,. The Board was previously in receipt of copies of the application and accompanying materials, including two letters from the Law Offices of Peter Szechenyi, respectively dated November 14, 2012 and November 21, 2012.

Town Manager Valente stated she received communication from Sudbury's Police Chief Glavin that he has no objections to the request.

LJD Partners, LLC owner Darius Zywna stated he and his partner Jaswant Singh hope to bring a new concept of Indian and Italian cuisine to Sudbury, utilizing their previous restaurant experiences from Boston. Mr. Zywna stated his parents moved to Sudbury last year and he has spent a lot of time here, and he decided the Town would be a great location for this enterprise.

Chairman O'Brien asked if there are any changes to the building proposed. Mr. Zywna stated only minor exterior painting was planned, which was approved by the Interim Building Inspector.

Selectman Drobinski noted for the applicant and attorney Peter Szechenyi a minor typographical error on Ms. Kaur's application stating she is from Sudbury when she is actually from Woburn. He suggested it be corrected so as not to cause a delay with the Alcoholic Beverages Control Commission (ABCC). Selectman Drobinski stated he is pleased to have a new business come to Sudbury.

Mr. Szechenyi provided the Board with copies of an updated bank statement for the file.

Vice-Chairman Haarde thanked the applicant for doing business in Sudbury.

In response to a question from Selectman Drobinski, Mr. Singh explained the philosophy for the restaurant's cuisine, noting the chef is currently training in Bombay. He emphasized entrees can be customized for spiciness to the customer's satisfaction.

Chairman O'Brien asked how large the staff will be, noting they must be TIPS-trained. He cautioned the applicants that the Police Department occasionally conducts sting operations.

Mr. Zywna stated both he and Mr. Singh are TIPS-certified. He also stated the bar area will be small, with probably only one bartender, and there will likely be two to four servers depending on the day of the week.

Chairman O'Brien asked when the restaurant is anticipated to be open. Mr. Zywna stated it is hoped to be open by mid-January.

Selectman Drobinski reinforced the importance of TIPS certification and to be prepared for sting operations.

Mr. Szechenyi stated he spoke with Board of Health Director Bob Leupold and Interim Building Inspector Mark Herweck regarding the seating capacity, which will remain as it is.

It was on motion unanimously

VOTED: To close the Public Hearing regarding the application to transfer an All Alcoholic Beverages Restaurant, Common Victualler and Entertainment licenses from Sangam Restaurant Corporation, d/b/a Pongal II Restaurant to LJD Partners, LLC, Dariusz Zywna, Manager, d/b/a Soul of India, said licenses to be exercised at 103 Boston Post Road, and due to expire on December 31, 2013.

It was also on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, in accordance with M.G.L. c.138, s.12, to approve the transfer of an All Alcoholic Beverages Restaurant, Common Victualler and Entertainment licenses from Sangam Restaurant Corporation, d/b/a Pongal II Restaurant to LJD Partners, LLC, Dariusz Zywna, Manager, d/b/a Soul of India, said licenses to be exercised at 103 Boston Post Road, and due to expire on December 31, 2013.

Mr. Szechenyi thanked the Board for its time, and he also thanked and commended Selectmen's Office staff Mary McCormack and Patty Golden for their invaluable assistance throughout the process.

Minutes

It was on motion unanimously

VOTED: To approve the Regular and Executive Session minutes of December 6, 2012.

Rt. 20 Sewer Steering Committee – Resignation

It was on motion unanimously

VOTED: To accept the resignation of William Cossart, 419 Concord Road, as a member of the Rt. 20 Sewer Steering Committee, as requested in an email dated December 8, 2012, and to send a letter of appreciation for his lengthy service to the Town.

Rt. 20 Sewer Steering Committee – Appointment

It was on motion unanimously

VOTED: To appoint Michael C. Fee, 48 Henry's Mill Lane, as the Sudbury Water District representative to the Route 20 Sewer Steering Committee, for a term to expire June 30, 2014, as requested in an email dated December 12, 2012, filling a vacancy occasioned by the resignation of William Cossart.

Grinnell Park – Lighting Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a donation of \$441 towards new winter lights at Grinnell Park, said funds to be expended under the direction of the former Building Inspector Jim Kelly, and to request the Town Manager to acknowledge such receipt.

TD Bank – Compliance with Site Plan Conditions

It was on motion unanimously

VOTED: To notify the Building Inspector that site plan conditions required prior to release of the occupancy permit for TD Bank, 407 Boston Post Road, have been fulfilled, subject to recommendations made in a memo to the Board from Jody Kablack, Director of Planning and Community Development dated November 9, 2012, with any additional comments discussed by the Selectmen at the meeting of December 18, 2012.

Special Police Officer Exemptions

It was on motion unanimously

VOTED: To approve Special Police Officer exemptions for George Taylor, Dave Whooley and Trish Longo in accordance with M.G.L. c. 268A s. 20(F), as requested in a memo dated December 14, 2012 from Police Chief Richard Glavin.

2012 Freightliner Model 114SD – Correct Award Amount

It was on motion unanimously

VOTED: To amend the Board of Selectmen vote of July 10, 2012, to correct the amount of the award by the Town Manager for the lease-purchase of one 2012 Freightliner Model 114SD six-wheel dump truck with accessories to Freightliner by increasing the net purchase price by \$15,750 to \$121,299 for the addition of the hydraulic sander accessory.

There being no further business, the meeting adjourned at 8:43 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk