

Saugus Board of Selectmen
September 9, 2015

*****MEETING MINUTES*****

AGENDA

Saugus Board of Selectmen
September 9, 2015 at 7:30 PM
Town Hall Auditorium
298 Central Street, Saugus MA

Correspondence

- 1.) Ms. Mossuto re: request for 4-way stop Springdale, Willis & Grandview.
- 2.) Mr. Gould re: Veteran's Appreciation Parade update
- 3.) Ms. Raftery re: Saugus Rumney Marsh Toastmasters Club.
- 4.) Saugus Lions Club re: request for canning on public ways.
- 5.) Alternative Therapies Group re: zoning for medical marijuana facility.
- 6.) Iron Diner, 325 Main St. re: request for modification of Licensed number of seats.
- 7.) Angela's, 880 Broadway re: request for change of manager to Christina Sideri.
- 8.) American Legion, 44 Taylor St. re: change in officers & directors.
- 9.) Sully C's, 168 Broadway update on liquor license.
- 10.) Maddy's, 1639 Broadway update on liquor license.
- 11.) Pearl St. Café, 114 Broadway update on liquor license.

Citizens Comments

Continued Hearings: 120-134 Broadway S-2 for drive through window & Request to withdraw.

Public Hearings:

- 7:55 Trashmasters & Removal, David G. Swimm, owner, for Special Permit (S-2) to allow a contractor's yard and overnight storage of vehicles and dumpsters, to be located at 82 Saugus Ave
- 8:05 Verizon New England, Inc. and Massachusetts Electric Company for relocation of existing jointly owned on Reservoir Avenue; and for permission to lay and maintain underground wires.
- 8:10 Verizon New England, Inc. & Massachusetts Electric Company for permission to locate (1) jointly owned pole on the northerly side of Howard Street.
- 8:15 National Grid for installation of approximately 100' +/- of 1-3" conduit from existing pole #56 to customer's private property at #92 Golden Hills Road.
- 8:20 National Grid for installation of approximately 60' +/- of 4" conduit in the northwesterly direction from existing handhole around #2 Gianna Drive to proposed handhole located on #6 Indian Dr.

Old Business: 200th Celebration update

New Business: Attorney General's letter re: alleged Open Meeting Law violation.
Selectmen's Office FY15 end of year report.

Manager's Report: Appointment to the Board of Assessors

Approval of Minutes: August 19, 2015

Member's Comments: Meeting with State Delegates September 10th at 6:30PM
Founder's Day
Saugus Little League Baseball fundraiser acknowledgement

Citizen's Comments

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The Saugus Board of Selectmen met on September 9, 2015 at 7:30 PM in the Town Hall Auditorium, 298 Central Street. Present: Selectmen Scott Brazis, Jeffrey Cicolini, Jennifer D'Eon, Mark Mitchell and the Chairman Debra Panetta. The Town Manager Scott Crabtree was also present.

Correspondence

1.) Ms. Mossuto re: request for 4-way stop Springdale, Willis & Grandview.

The Chair read e-mail from Michelle Mossuto requesting to postpone the request at this time. The Chair asked the Manager if he would touch base with police regarding the neighbor's concerns.

Selectman Brazis moved to refer the correspondence to the file. Chair seconds Vote 5-0.

2.) Mr. Gould re: Veteran's Appreciation Parade update

J. Dennis Gould, 27 Serino Way was present with Police Sgt. Paul VanSteensaburg. Mr. Gould announced the Veterans Appreciation Parade and activities including live band in front of Town Hall and some vendors. Sgt. VanSteensburg showed map of parade route and parking restrictions and detours. Mr. Gould announced public parking at the middle school, Waybright School, cemetery and Blessed Sacrament Church. The Chair thanked them and all those involved.

3.) Ms. Raftery re: Saugus Rumney Marsh Toastmasters Club.

Sherri Raftery, 41 Newhall Ave was present and announced the 24th anniversary of the Rumney Marsh Toastmasters Club and explained the club is to assist with public speaking and passed out copy of magazine and invited Board Members to attend.

4.) Saugus Lions Club re: request for canning on public ways.

Christopher Finn, member was present and described annual fundraiser 7am-3pm on Saturday September 26th with rain date of 27th. The Chair noted application states starting at 8am. Mr. Finn said they set up at 7am and would prefer to start earlier. The Chair asked about safety precautions. Mr. Finn said they use safety vests, hats and traffic cones. Selectman Cicolini said he has no problem if they use safety precautions.

Selectman Cicolini moved to approve request of Saugus Lions Club re: request for canning on public ways on Saturday September 26, 2015 from 8am to 3pm with rain date of Sunday September 27, 2015 at Saugus Center Rotary and at Lynn Fells Parkway at Village Park Plaza. Chair seconds 5-0.

The Chair said she appreciates the work the Lions Club does.

5.) Alternative Therapies Group re: zoning for medical marijuana facility.

Christopher Edwards, Alternative Therapy Group was present and talked about myths surrounding medical marijuana dispensaries including it's not about getting high and described benefits of treatment for some illnesses; and registration cards are not easy to get and said MA is the most restrictive in the nation; another myth is having a dispensary would grandfather use if recreational use is approved and that is not true because it's a different licensing; and described Salem location and background of the company and said after meeting with Town Meeting Members they are looking at alternative location and listed benefits to the community including creation of professional jobs, boost to economy, their company has a preference to use local trades when needed and in construction of new facility, increased tax revenue on new building; and it would mitigate the "hardship clause" which would allow home cultivation if a dispensary was not available and said law enforcement has concern with home cultivation and said they offer revenue sharing and asked they consider a team in Essex County, medical in nature and not from another state that have different regulations. (passed out copies of proposed location)

Selectman Cicolini asked when they opened Salem location. Mr. Edwards said June 24th. Selectman Cicolini asked how he would know people would spend in Town. Mr. Edwards said there is no data but is usual if in the area to frequent area stores and businesses. Selectman Cicolini said the proposed site was approved for a contractor's site with a new building and would have added to tax base. Mr. Edwards agreed and said a new facility would probably be assessed more. Selectman Cicolini said he is interested in hearing more about revenue sharing and safety standards and forgery issues. Mr. Edwards said there are several safety precautions and explained the DPH database, appointments and registration period and said it works well in Salem and are fine tuning protocols but have a solid foundation. Selectman Cicolini asked if they have had police in Salem. Mr. Edwards said they did have police details when they opened mostly because of the media and to protect patient privacy. Selectman Mitchell asked about the hardship

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exemption and if they could go to Salem. Mr. Edwards explained to be allowed to cultivate at home would be a case by case basis and said cultivating is going on in this Town now. Selectman D'Eon said she would like to see the facility. The Chair agreed and said before she does anything she would also like to see and get public input. Mr. Edwards agreed. The Chair asked he arrange a visit through their clerk.

6.) Iron Diner, 325 Main St. re: request for modification of Licensed number of seats.

George Varelas, owner was present and explained the vacant spot next to them and wanting to add seats. The Chair asked when the work would start. Mr. Varelas said he will need to work out with contractors. Selectman Cicolini said the plan shows 102 seats but the license allows 94 seats. Mr. Varelas said some of those seats aren't there now. Selectman Cicolini said parking may be an issue. Mr. Varelas said employees will be parking in back. The Chair said she spoke with the Building Inspector about parking and the landlord may be creating more spots near the bank.

Selectman Cicolini moved to approve the request of Iron Diner, 325 Main St. re: request for modification of Licensed number of seats not to exceed 94 seats plus 34 additional seats with a total of 128 seats. Chair seconds 5-0.

7.) Angela's, 880 Broadway re: request for change of manager to Christina Sideri.

Christine Sideri, Seabrook, NH was present and said she is the sole owner of Angela's and has two locations and her manager left and will assume the manager's position and will be in Saugus.

Selectman D'Eon moved to approve the change of manager to Christine Sideri at Angela's Coal Fired Pizza. Chair seconds 5-0.

8.) American Legion, 44 Taylor St. re: change in officers & directors.

No one was present.

Selectman Brazis moved to accept the changes and refer to the file. Chair seconds 5-0.

Selectman Brazis moved to approve American Legion, 44 Taylor St. change in officers & directors. Chair seconds 5-0.

9.) Sully C's, 168 Broadway update on liquor license.

Elaine Byrne, owner was present and explained it is slow going but they are waiting for the landlord to fix violations and finish work. The Chair asked the date of the fire. Ms. Byrne said May 2nd. The Chair asked if she was working with the landlord and asked if there were insurance issues. Ms. Byrne said they waiting 2 ½ months just to get the liquor out and it's slow but moving along. Selectman Mitchell asked about violations. Ms. Byrne said the landlord has to bring some things up to code before she can get occupancy. The Chair asked if she has a time line. Ms. Byrne said no but it is in process and they want to be open. Selectman Cicolini asked if the landlord has given any indication of when it will be done. Ms. Byrne said no but the electrical is done and fire alarm and said they removed a wall and haven't put it back yet. Selectman Brazis suggested the Board request a work schedule with time line in 2 weeks. The Chair asked their clerk to write a letter to the landlord requesting response at Sept. 23rd meeting.

10.) Maddy's, 1639 Broadway update on liquor license.

Attorney Richard Magnan, 194 Central Street was present representing Triangle Entertainment and explained last time he was before the Board they had a P&S awaiting zoning change approval and have been meeting with Economic Development on plan and at the last meeting he did share a draft P&S for the liquor license and that should be finalized in 2 weeks and application for transfer shortly after that.

11.) Pearl St. Café, 114 Broadway update on liquor license.

Attorney Richard Magnan, 194 Central Street representing BENAL, Inc, said when last before the Board he reported an application for transfer of liquor license was 75% complete and unfortunately they are in the same spot and still need 4-5 items to file. The Chair asked when he will have those items. Attorney Magnan said he has been in contact with the buyers to receive soon.

Continued Hearings: 120-134 Broadway S-2 for drive through window & Request to withdraw. Luongo Realty Trust, Concord Property Management, 120-134 Broadway, for Special Permit (S-2) to allow a drive through window, to be located at , 120-134 Broadway as shown on plan dated 1/22/15, Assessor's Plan 1042, Lots 121, 126 & 134.

The Chair said the applicant sent request to withdraw and read.

Selectman D'Eon moved to grant petitioner to withdraw without prejudice. Chair seconds 5-0.

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Citizens Comments

Jack Perry, 7 Innis Street was present and requested update on the Elm St. Bridge / flooding issue and said he was told someone would call and said he was told the drains would be cleaned and asked progress and said he spoke to the Town Manager and he said it's in process. The Manager said he did speak with Mr. Perry and will be looking at the storm drains and making decision with the DPW Director to talk to Mr. Perry and they are looking at with consultant relocating run-off under the hazardous mitigation grant but what really needs to happen is to widen the river and will follow up on possibly relocating sewer line.

Bill Leuci, TMMP4 said he wanted to comment about the medical marijuana dispensary because it is in his precinct and he had some concerns, but after seeing that it is different with medical use he thinks it could help and a dispensary is a good thing and believes his other Town Meeting Members are with him on this.

Al DiNardo, 199 Essex St, TMMP4, said the 5 Town Meeting Members were informed by the petitioner and the area is zoned for it and the TMMs are working with him on a proper location in the zoned area and have no objection.

Public Hearings:

7:55 Trashmasters & Removal, David G. Swimm, owner, for Special Permit (S-2) to allow a contractor's yard and overnight storage of vehicles and dumpsters, to be located at 82 Saugus Avenue, Assessor's Plan 2032, Lots 43,45.

David Swimm, North Reading was present and said he is looking to purchase the property and relocate his business to Saugus and store 2 trucks, 2 storage containers, and bobcat with attachments and said he was born and raised in Saugus, graduated SHS and BC and is a demo contractor with 5 employees and doesn't plan to store debris on site, and work 7am to 5pm Monday through Friday but is generally done by 3:30pm and described trucks and equipment and passed out pictures of his Everett location. Anthony Cogliano, 27 Serino way representing the property owner showed photos of adjacent property. Selectman Cicolini pointed out his letter requests Monday through Saturday. Mr. Swimm said he does work Saturdays time to time by try to stick with Monday through Friday. Selectman Cicolini said he has concern with condition of the street and heavy trucks on a narrow street and said the area has been built up as residential over time and has concern with debris falling off trucks and asked if dumpsters have perishables or trash. Mr. Swimm said no trash. Selectman Cicolini said there are so many trucks in the area. Mr. Swimm said he has 2 trucks and only 1 is stored overnight and all loads have to be covered by law and have tarp systems and materials are dumped before container comes back and if there were any reason why it couldn't be dumped he would store it inside the building. Mr. Cogliano said the Board could make it a condition if approved. The Chair said the property was before the Board in 2011 and withdrew the request. Mr. Cogliano said they withdrew for financial issues he believes. Selectman D'Eon noted the Board of Health comment to check septic system. Selectman Mitchell asked about contaminated materials. Mr. Swimm said they don't touch asbestos but they are certified in lead disposal from lead paint. Selectman Brazis asked if dumpsters will be stored on site. Mr. Swimm said he was asking to store dumpsters but most times he has only 2 in the yard. Selectman Cicolini asked if he will maintain the Everett location if approved. Mr. Swimm said no. Selectman Brazis asked about the paper street on the property. Mr. Cogliano said nothing will be stored on it. Selectman Cicolini asked if equipment could be stored inside. Mr. Swimm said he is willing to work with the neighbors and said nothing would be visible and described fence and bushes and would be willing to put a gate with privacy slats.

Any to speak in favor or opposed?

Jean Zaccone, 35 Lewis Lane, said she's opposed and said every truck goes by her house and don't need any more trucks and said there are no sidewalks and the road was paved a month ago and already has holes because of the trucks.

Anthony, 85 Saugus Avenue, opposed, said the property is across the street from him and every time business promise it gets worse and said the street can't handle more traffic.

James Tozza, 12 Saugus Avenue, against it and said the street needs to be repaved and they don't need more trucks.

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Barry Scott, 14 Saugus Ave, said the street is in deplorable condition and speeding and said there's a 36" water main under that road.

Daphne, 94 Saugus Avenue said there are safety issues and the houses all have kids and passed out pictures and said DCR has been doing a project at the end of the street so there are more trucks and pointed out the hill and narrow street and when there's snow there's no space and this is not a good fit and they can't guarantee construction debris won't fall off trucks.

John Roche, 75 Saugus Ave, is against it and said he doesn't want to see trash trucks and dumpsters and said there are 2 contractor's yards now and don't need more trucks.

Alexis Peavy, 10 Saugus Ave said she has a disabled daughter and the other contractors start at 6am and then in the afternoon it starts again and said there are children on the street and safety should be first and have environmental concerns and said what is lead is breathed in.

Michael Duval, 74 Saugus Ave, showed pictures and said the area is largely residential and the entry way to the property if vehicles are parked on the paper road they couldn't access the property because it's not wide enough and said once they get the permit they will do what they want and has environmental concerns and noise and pollution and safety noting the narrow road and said its not the right place for this business.

John Baginsky, 15 Lewis Lane, said he lived here 53 years and spot zoning is bad and said there are plenty of trucks now and is opposed.

Jen Falasca, 65 Saugus Ave, expressed concern with 18 wheelers and narrow street more narrow with snow and said she would like to see a long range plan and another issue with wildlife.

Anthony Buonopane, 66 Saugus Ave said every couple of years a new tenent comes in and is concerned with truck storage, dumpsters and don't remember a meeting to zone this, no permits and no one is doing anything and said they don't need more trucks.

Geraldine Roche, 75 Saugus Ave, agreed with all said and said her biggest concern is what happens in 5 years when they sell it.

Samantha Duval, 74 Saugus Ave also owner of 94 Saugus Ave said the 2011 permit was withdrawn because neighbors came out against light manufacturing and said there isn't enough room on the property and is opposed.

Al Pertus, 36 Saugus Ave, opposed, said they already have 2 construction yards and don't need another one.

Mary DiPietro, 85 Saugus Ave, said there are pot holes and business don't maintain their properties and no one polices them.

Michael Murhpy, 37 Aberdeen Ave, said he hears trucks up the hill and hope after hearing from the neighbors the Board denies it.

Joseph, Lewis Lane, urged the Board to deny it.

Peter Manoogian, TMMP10 said half the street is in precinct 10 and said where in the Board's judgment the Board doesn't find it shows there's a public need, they may deny and asked them to use their judgment if the public need is served and said when an S-2 is granted it stays there forever and Saugus Ave is not an accepted road and need to look at zoning in that area.

Patricia Duros, 17 Saugus Ave, said the idea shouldn't be entertained and it is beyond disturbing with trucks going back and forth all day and can't guarantee what happens after its granted and asked if they would want this where they live.

John Baginsky, 17 Lewis Lane, said it is commercial property and should be rezoned.

Anthony Cogilano, 27 Serino Way, said the property already has an S-2 and are here to be able to store containers and said it has been a contractor's yard forever. Selectman Brazis asked if there is an S-2. Their clerk said there is none on file, which doesn't mean there isn't one, it could have been granted pre 1978. Mr. Cogliano Selectman Brazis asked if he has S-2 why is he here. Mr. Cogliano said for the containers but that's a question for the Building Inspector. And said he will suggest they withdraw the application so they can address the issues. The Town Manager said the issue of it having S-2 or not is up to the property owner to produce. Selectman Cicolini asked the use now. Mr. Cogliano said it's a contractor's yard. Mr. Manoogian said storage of containers has come before the Board and they can

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appeal the decision to the Board of Appeals. Selectman Brazis said they say they have S-2 but doesn't know and has concerns and cannot support.

Selectman Brazis moved to close the hearing. Chair seconds 5-0.

Selectman Brazis moved to deny the request of Trashmasters & Removal, David G. Swimm, owner, for Special Permit (S-2) to allow a contractor's yard and overnight storage of vehicles and dumpsters, to be located at 82 Saugus Ave. The Chair added the following reasons: based on lack of public need and convenience; neighborhood opposition re: noise, traffic and safety. Chair seconds. The Chair speaking on the motion said it is not the right business for this address. Selectman Mitchell speaking on the motion agreed and said the condition of the street is embarrassing and will support the motion because there are safety concerns and agree rezoning should be looked into. Selectman Cicolini speaking on the motion thanked everyone that spoke and there are many reasons he will support the motion including the street is narrow, and the pavement is an eyesore.

Roll call vote: Selectman Brazis, yes; Selectman Cicolini, yes; Selectman D'Eon, yes; Selectman Mitchell, yes; Selectman Panetta, yes.

8:05 Verizon New England, Inc. and Massachusetts Electric Company for relocation of existing jointly owned on Reservoir Avenue; and for permission to lay and maintain underground wires.

Everett Bryan, Verizon was present and explained the new plan after meeting with neighbors. The Chair thanked him for meeting with the neighbors and the Board Members and addressing the neighbor's concerns. Selectman Brazis asked if there are any changes since the site visit. Mr. Bryan said no.

Any to speak in favor or opposition: None

Selectman Brazis moved to close the hearing. Chair seconds 5-0.

Selectman Brazis moved to grant the petition of Verizon New England, Inc. and Massachusetts Electric Company for relocation of existing jointly owned on Reservoir Avenue; and for permission to lay and maintain underground wires with condition all fees owed are paid the Town. Chair seconds 5-0.

8:10 Verizon New England, Inc. & Massachusetts Electric Company for permission to locate (1) jointly owned pole on the northerly side of Howard Street.

Verizon Representative Ms Kelly was present and explained request and location in front of power company property.

Any to speak in favor or opposed: None.

Selectman D'Eon moved to close the hearing. Chair seconds 5-0.

Selectman D'Eon moved to approve the request of Verizon New England, Inc. & Massachusetts Electric Company for permission to locate (1) jointly owned pole on the northerly side of Howard Street. With condition all fees owed be paid to the Town. Chair seconds 5-0.

8:15 National Grid for installation of approximately 100' +/- of 1-3" conduit from existing pole #56 to customer's private property at #92 Golden Hills Road.

Tim Wesford, National Grid, 170 Medford St, Malden was present and explained bringing service to a customer.

Any to speak in favor or opposed: None.

Selectman Cicolini moved to close the hearing. Chair seconds 5-0.

Selectman Cicolini moved to grant request of National Grid for installation of approximately 100' +/- of 1-3" conduit from existing pole #56 to customer's private property at #92 Golden Hills Road with condition money owed the Town be paid. Chair seconds 5-0.

8:20 National Grid for installation of approximately 60' +/- of 4" conduit in the northwesterly direction from existing handhole around #2 Gianna Drive to proposed handhole located on #6 Indian Dr.

Tim Wesford, National Grid, 170 Medford St, Malden was present.

Selectman Cicolini moved to close the hearing. Chair seconds 5-0.

Selectman Cicolini moved to grant request National Grid for installation of approximately 60' +/- of 4" conduit in the northwesterly direction from existing handhole around #2 Gianna Drive to proposed handhole located on #6 Indian Dr with condition money owed the Town be paid. Chair seconds 5-0.

Old Business: 200th Celebration update

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Selectman D'Eon announced the contest has begun and deadline is 9/30/15 and will be selling t-shirts at Founder's Day. Selectman Brazis said the 200 Anniversary Committee are working hard and the month is full of activities.

New Business: Attorney General's letter re: alleged Open Meeting Law violation.
Selectmen's Office FY15 end of year report.

The Chair read letter from the Attorney General in response to Open Meeting Law complaint and said there was no violation found and they consider the matter closed and thanked the Board Members, Town Manager, School Committee and Finance Committee and said the Town has made great progress working together.

The Chair read memo on their office end of year report that the office collected \$188,200 in License Renewals and an additional \$13,024.44 in new Licenses and / or fees with a total of \$201,224.44 and said she wanted the community to know revenue received through their office and that the office stays on budget.

Manager's Report: Appointment to the Board of Assessors

The Manager recommended the appointment of Jon Gillis to the Board of Assessors.

The Manager congratulated Michael Serino on his certification as a Member of that Board.

Selectman D'Eon moved to confirm the appointment of Jon Gillis to the Board of Assessors to expire 12/2018. Chair seconds

Roll call vote: Selectman Brazis, yes; Selectman Cicolini, yes; Selectman D'Eon, yes; Selectman Mitchell, yes; Selectman Panetta, yes.

The Manager said they continue to meet and work on the capital improvement plan; gave update on MSBA HS project and are in process of putting an RFS to hire an OPM; gave update on parks & playgrounds and announced informational session on 9/22 at 7pm for public input; said new owners are coming on board at Aggregate and the post closure committee will meet after that sometime in October; and reminded all Founder's Day on Saturday and Veterans Appreciation Parade on Sunday.

Approval of Minutes: August 19, 2015

Selectman Brazis moved to approve the minutes. The Chair offered a correction. Chair seconds 5-0.

The Manager noted Bristow Park is in wetlands and will need to go before Conservation Commission on plans.

Member's Comments: Meeting with State Delegates September 10th at 6:30PM
Founder's Day
Saugus Little League Baseball fundraiser acknowledgement

Selectman Mitchell announced on September 19th at 4pm the baseball alumni game at World Series Park.

Selectman Cicolini said it's an exciting weekend coming up with Founder's Day and Veterans Appreciation Parade and Pop Warner, and announced Little League fundraiser.

Selectman Brazis asked the Manager have the property on Saugus Avenue looked at and cleaned up; and said this will be a big weekend and is proud of this Town.

Selectman D'Eon thanked Mr. Surabian regarding the telephone pole; congratulated Chief McQuaid on his retirement and congratulated the new hires.

The Chairman announced on Founders Day at 12 noon will be the man & woman of the year presentation.

The Chair said the Board will be meeting with State Delegates tomorrow at 6:30pm. Selectman Cicolini apologized he will not be able to attend.

The Chair said the Saugus American Little League team raised a lot for the Jimmy Fund and would like to bring them in for citation.

The Chair announced fall festival at Breakheart.

The Chair said she attended the Ballard St. restoration plan meeting with DCR and said the State and Federal do have Saugus best interests in mind.

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The Manager said it's a big week in Saugus and kids are back to school and that went well and thanked DPW and staff that fixed and made repairs to schools before opening.

Citizen's Comments None.

Selectman Brazis moved to adjourn. Chair seconds 5-0.

Meeting adjourned at 11:32pm.

Respectfully submitted,

Wendy Reed, Clerk