

Saugus Board of Selectmen
March 16, 2010

The Saugus Board of Selectmen met on March 16, 2010 at 7:30PM in the Town Hall Auditorium, 298 Central Street. Present were: Selectmen Scott Crabtree, Michael Kelleher, Michael Serino and the Chairman Donald Wong. The Town Manager Andrew Bisignani was also present. Stephen Horlick was not present.

Invited guests: Atty. Gregson for Avedisian

Attorney George Gregson, 325 Central Street was present with project manager Mr. DiNunzio and said he was invited for update on 107 project and said he submitted a packet of documents and explained the demolition of the building was ordered stopped by DEP and cannot go before Conservation until DEP submits. Mr. Serino thanked him for update and said work has been done and asked if notice of intent has been filed. Atty. Gregson said they can't file until they get something from DEP. Mr. Crabtree thanked him for update.

Approval of minutes:

February 16, 2010:

Mr. Serino moved to approve the minutes. Chair seconds. Vote: 4-0.

February 23, 2010: Mr. Serino offered a correction.

Mr. Kelleher moved to approve the minutes as corrected. Chair seconds. Vote: 4-0.

February 18, 2010:

Mr. Serino moved to accept the minutes. Chair seconds. Mr. Kelleher said he will abstain because he was not present. Vote: 3-0 and 1 abstention by Mr. Kelleher.

Continued hearings: Hot Topic: Entertainment License - 1/26/10

Tabu: transfer of licenses - 2/16/10

Hot Topic, Inc., for Entertainment License located at 1277 Broadway, Unit #E-215 Square One Mall.

Aimee Safrine, Pearl St., Boston, was present and explained program and revisions of maximum of 4-6 local events a year and not to exceed capacity and will comply with safety issues and said they have run events successfully in the past. The Chair said the Fire Dept. had questions about location and capacity. Mr. Serino said the police and Building Inspector had objections. The Chair asked if they talked to the different departments. Mr. Crabtree said the Board continued so the applicant could talk with departments. Ms. Safrine said she didn't have opportunity to talk with them. Mr. Crabtree said the Board asked for information on capacity at other locations. Ms. Safrine said she has not spoken with Town entities but have statistics from other locations and explained 10-20 people on average. The Chair said he would still like her to talk with departments to work with her. Mr. Crabtree said it was his recollection one reason to continue was for her to have an opportunity to talk with departments and explained the Board requests recommendation from departments and rely on their recommendations. Ms. Safrine thanked them for clarification and asked if she could request to continue again. Mr. Kelleher asked if she had pictures or video of events to demonstrate.

Mr. Kelleher moved to continue the hearing. Chair seconds. Mr. serino asked the applicant submit letter requesting continuance. Vote: 4-0.

The Chair was passed to Vice Chair Crabtree.

Mezzanotte, LLC d/b/a Tabu, 168 Broadway, Carl Amato, Manager for transfer of All Alcoholic Common Victualer's License; Entertainment License; and License for four coin operated devices and one juke box FROM: JLMT Enterprises, Inc. d/b/a Tabu Ultra Lounge and Nightclub, 168 Broadway.

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The Vice Chair explained the applicant has submitted request to withdraw application. Mr. Kelleher explained this was discussed last night and they have submitted request in writing.

Mr. Kelleher moved to allow applicant to withdraw request without prejudice. Vice Chair seconds. Vote: 3-0.

Mr. Wong returned to the Chair.

7:45 Aggregate Industries, Inc. a/k/a Bardon Trimount, Inc., 1831 Broadway, to extend Special Permit (S-2) to allow the removal of earth and rock and to allow the operation of a quarry at Rear Broadway and Whittier Street, Assessor's for a period of six months.

Attorney Richard Magnan, 320 Central Street, was present with Scott Colby and Zack of Aggregate Industries and explained the request and said last meeting the Board formed a committee on post closure use and said the applicant, as agreed to, will prepay the permit fee and that is being processed and said it's a straight forward same application. Mr. Kelleher said in 6-12 months not much activity and asked about next 6 months. Mr. Colby said they are not going to do any work in those areas, but other portions they will process stone clearing overburden and process rock and said they will be mining on a lesser degree, but for a number of years going forward. Mr. Kelleher asked about truck traffic. Zack said a total of 2-3 and up to 15 a day. Mr. Kelleher asked if expecting increase. Zack said yes. Mr. Kelleher asked if still utilizing wheel washers. Zack said yes. Mr. Colby said they are still below volume.

Any in favor? None.

Any in opposition? Janet Leuci, TMMP4, and member of the post closure committee said she is not speaking in opposition and feel meetings are productive and expressed concern with the gate and fence need repairs and also concerned the added work done in areas considered grandfathered and noted two houses.

Mr. Kelleher said regarding the fence and gate they get it repaired. Mr. Colby said they are aware the gate is down and said NE Power owns the fence and said the quarry fence that Zack has been on that and should be up shortly and said he is well aware of the property lines and will not go outside. Mr. Kelleher said to protect the public they should take care of the gate. Mr. Colby said its not their gate and there's concern with doing something on someone else's property and said he also is please with post use committee.

Any in favor or in opposition?

Mr. Kelleher moved to close the hearing. Chair seconds. Vote: 4-0.

Mr. Kelleher moved to extend the Special Permit (S-2) to allow the removal of earth and rock and to allow the operation of a quarry at Rear Broadway and Whittier Street, Assessor's for a period of six months. Mr. Crabtree added with no objection: same conditions and restrictions apply. Chair seconds.

Roll call vote: Mr. Crabtree, yes; Mr. Kelleher, yes; Mr. Serino, yes; Mr. Wong, yes. Motion passed 4-0.

7:55 Staff Sgt. Arthur F. DeFranzo d/b/a Post 2346 VFW, Inc., 190 C Main Street, to alter premises and for change in description of licensed premises of All Alcoholic Common Victualer's Club License and Entertainment License.

Attorney Richard Magnan was present with President Stan King and manager William Merrithew and explained the VFW has been here since the 1950's and has hosted many community activities and the Board is aware of the recent agreement with

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Pace that included demolition and new construction of commercial condominiums and explained layout and described 4,992 s.f., 72 seats, no second floor, no functions, entertainment of juke box and 6 televisions hours the same and have security cameras inside and outside and said its their intention to have lower impact activity and read new description of premises. Mr. Crabtree asked of police recommendation regarding functions. Atty. Magnan said 72 capacity, no functions and said regarding health dept. comments that they are coming on Friday. Mr. Serino asked about coin operated devices and entertainment. Atty. Magnan said 6 televisions. Mr. Merrithew said they won't have a juke box but maybe coin operated devices. Mr. Serino said they are licensed for 2.

Any in favor or in opposition? None.

Mr. Kelleher moved to approve change in description of licensed premises of All Alcoholic Common Victualer's Club License and Entertainment License for 6 televisions. Mr. Serino added with no objection: 5,000 s.f.; hours of operation to be the same; and capacity set at 100. Chair seconds. Mr. Kelleher speaking on the motion said they have been there for many years and welcomed them back and wished them the best. Mr. Serino also wished them luck. Vote: 4-0.

8:05 Joe Pace & Son, for Common Victualer's License; and for Entertainment License to be located at 190 A Main Street.

Attorney Richard Magnan was present and explained building and retail sale the same and want to install a small eating area with 11 seats and described floor plan and parking and said entertainment request is for 1 television in eating area and said regarding police comments that they have cameras inside and outside and hope to be open April 1.

Any in favor or in opposition? None.

Mr. Serino moved to close the hearing. Chair seconds. Vote: 4-0.

Mr. Serino moved to Common Victualer's License; and for Entertainment License with following conditions: 1,900 s.f.; capacity 35; hours of operation 9AM to 9PM; entertainment restricted to one television in eating area and must meet all Inspectional Services requirements. Chair seconds. Vote: 4-0. Mr. Kelleher congratulated them.

8:15 LinXia Tian d/b/a XUT Health Center, for modification of Special Permit (S-2) voted 5/26/09 to allow massage therapy at store # S107, BY changing location to: store #E223, 1201 Broadway, Square One Mall.

LinXia Tian, 3 Hazel Square, Lowell was present. The Chair asked if only change is location. Ms. Tian said yes. Mr. Kelleher asked if she offers massage therapy now. Ms. Tian said yes. Susan Yee, manager Square One Mall was present and said the business will be exactly the same and there are not tanning beds. Mr. Serino asked hours of operation. Ms. Yee said mall hours Monday 10-9PM and Sunday 11-6PM with additional holiday hours.

Any in favor or in opposition? None.

Mr. Serino moved to close the hearing. Chair seconds. Vote: 4-0.

Mr. Serino moved to grant the modification of S-2 for new location of store #E223 in the mall with the following conditions: hours of operation Mall hour 7AM to 11PM; and must meet Board of Health requirements. Chair seconds.

Roll call vote: Mr. Crabtree, yes; Mr. Kelleher, yes; Mr. Serino, yes; Mr. Wong, yes. Motion passed 4-0.

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8:25 Barn Car Wash, for modification of Special Permit (S-2) voted 2/28/06 to allow a car wash at 110 Frank Bennett Highway, BY modifying the hours of operation.

8:27 Barn Car Wash located at 110 Frank Bennett Highway, for Permit to extend hours of operation in accordance with Section 810.00 of the Town of Saugus By-Laws by allowing business to be open for operation between 2 AM and 6 AM.

Attorney Richard Magnan was present with applicant Joe Cappola and explained the granting of S-2 for car wash in 2006 and part of conditions were hours of operation and one application is to modify the S-2 hours for 1 part of the carwash, the outside bay closest to Rte. 1, self service, but the overall business will remain the same and the other application would allow the bay to be open between 2AM and 6AM and explained due to the economic times and requests of customers and said there is only 1 nearby residence and the relationship has been fine and said regarding police recommendation there are security cameras. Mr. Serino asked the restrictions would stay the same except for the carwash up front and read. Atty. Magnan said yes.

Any in favor? None.

Any in opposition? Bob Cox, TMMP4, said he sat on the Zoning Board of Appeals and has some information for the Board to consider, they came for illuminated signage and it is adjacent to residential zone the Board granted with restrictions not for 24 hours and said its in a remote area and possible public safety issues and another issue of proximity to Rte. 1 with high pressure water.

Janet Leuci, TMMP4, said she did not understand the need and oppose 2AM, and said could understand maybe 6AM, but don't see the need and agree about security issues.

Mr. Crabtree asked if other carwashes are open 24 hours. Their clerk said none are. Mr. Serino said he has only voted for necessities like gas stations, pharmacies or restaurants and doesn't see a need for 24 hour. Mr. Crabtree said he has similar concerns as were raised tonight and would like more information regarding the area and lighting. Attorney Magnan said he would be inclined to request a continuance. Mr. Crabtree said he does not want to make a decision without all information needed.

Mr. Kelleher moved to continue both hearings. Chair seconds. Vote: 4-0.

8:30 Ourglass Beverages Company, Inc. d/b/a Ourglass Wine & Liquors, 124 Broadway, Ajay Goyal, Manager for transfer of All Alcoholic Package Store License FROM: Ourglass Wine Company, Inc. d/b/a Ourglass Wine & Spirits Marketplace, 124A Broadway.

The Chair said the applicant submitted written request to withdraw application at this time. Mr. Kelleher moved to allow petitioner to withdraw without prejudice. Chair seconds. Vote: 4-0.

Correspondence

1. Republican Town Committee re: request for appointment to Board of Registrars.

Mr. Kelleher moved the Board vote to reappoint Gary Butt to the Board of Registrars. Chair seconds. Vote: 4-0.

2. Elmwood Avenue One Way designation – review. (From 2/16/10)

Mr. Kelleher said this has been an issue for quite a while and a portion of Elmwood was designated one way and there is not a huge agreement with this and was continued, but thinks it needs a 4-way stop and don't disagree with police, he respects

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their opinion. Mr. Serino suggested they leave it as it is and stick with police recommendation.

Mr. Serino moved the Board take no action and refer to the file. Chair seconds. Vote: 3-1 with Mr. Kelleher voting in opposition.

3. Holocaust Center re: request to proclaim Holocaust Remembrance Day & week.

Mr. Kelleher moved to proclaim Holocaust Awareness Week in the Town of Saugus. Chair seconds. Mr. Kelleher speaking on the motion said the Holocaust was one of the biggest disasters of all time and for education purposes make people aware so it never happens again. Vote: 4-0.

4. DCR re: response to Board regarding Bacon Property.

Mr. Serino moved the Board send letter in support of the plan for future use of the Bacon Property. Chair seconds. Vote: 4-0.

5. Mr. Manoogian re: request for berm replacement on Wolcott Road.

Peter Manoogian, TMMP10, was present with Margaret Berkowitch, 2 Wolcott Road and explained the street was paved and in process berms were damaged and said there were 4 correspondence on the matter and that there was an impression that there was never berms there so to clarify there was berms and they were damaged by the contractor and should be replaced and there are several issues on the Road that should be addressed. Mr. Crabtree said he spoke with Mr. Manoogian and met with 3 residents on the street and there are some issues and some damage and he spoke with the Manager who has made a commitment and asked if they had pictures. The Manager said there are several issues on the road and have addressed some and does have intention to correct the problem but not for another month or so. Mr. Crabtree said the light request was submitted. Ms. Berkowitch said it's fixed. Mr. Crabtree said berms are broken up and down the street and there's an issue on the corner and suggested DPW look at the corner. The Manager said they have addressed several issues and explained when the street was paved they raised the grade and that snow plows damaged some and when paving some damage was done but plan on repairing. Mr. Crabtree said flooding in the middle need corrective action. Mr. Kelleher said if it's an issue with the contractor not to wait for him. The Manager said he plans on addressing. Mr. Manoogian said Ms. Berkowitch has lived there 44 years and witnessed the damage and respectfully requests a meeting with neighbors. Mr. Kelleher said it's a great idea. Mr. Serino asked when it was paved. Ms. Berkowitch said a year ago last summer and said she called the proper authorities and spoke with the job foreman. Mr. Serino said he called DPW and they were on top of it. Mr. Manoogian asked how they are leaving this. Mr. Kelleher said they will set date for a meeting. Mr. Serino said the Manager will set a meeting.

6. Melrose Fish & Game Club, Inc. re: request for change of manager to Kenneth Glover.

Mr. Glover was present and explained he was before the Board 1 ½ years ago and received approval, but there was an issue that has been resolved and he is requesting approval again.

Mr. Kelleher moved to approve the change of manager. Chair seconds. Vote: 4-0.

7. Saugus American Little League re: request for Parade Permit & invitation.

Mr. Kelleher moved to grant the parade permit. Chair seconds. Vote: 4-0.

8. National Little League re: request for Parade Permit & invitation to opening day.

Mr. Serino moved to grant parade permit. Chair seconds. Vote: 4-0.

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The Chairman announced the following: The Saugus Business Education Collaborative will hold Taste For Education April 26; They do have one full liquor license available; and Happy St. Patrick's Day.

Manager's Report

- Said the Board asked he look into the cost of traffic study and light installation at Lincoln & Central and at Essex at Felton and reported traffic study would cost \$4-5,000 and light installation would cost an estimated \$18,000. Mr. Serino asked if cost for both or locations or for each. The Manager said for each.
- Said the Board requested signage in various areas and they have been installed.
- said the Governor has awarded us a Forgiven loan SSO reduction authorized \$292,000 stimulus funds.
- said regarding flood damage that residents may dispose of up to 5 sticker items / bags during regular trash pick up and if there are any special circumstances to please call recycling coordinator to make arrangements and will assist.
- Announced the compost site will be open April 3.
- Announced dumpster on site at DPW for electronics, televisions, computers etc. and said this has been a successful program and free to Saugus residents and said we have seen a reduction in illegal dumping of these items.

Member's Motions

Mr. Crabtree: reminded people on March 24 at Fox Hill Yacht Club 5-10pm come celebrate the recovery of Selectman Horlick.

Wished all a happy St. Patrick's Day.

Mr. Serino: Mr. Serino moved the Board vote to cancel April 19 and May 17 Special Town Meetings. Chair seconds. Vote: 4-0.

Mr. Serino announced the Board will close Annual Town Meeting for the public on March 30.

- said the Board received requests for reappointment and said there's no need for interviews. Board Members agreed.

- asked about street sweeping. The Manager said around the 2nd week and reminded them winter is not over yet.

- asked about Hamilton Street. The Manager said there will be a meeting with engineers to discuss options and said the gas company is done and said there are some water issues.

- wished all a happy St. Patrick's Day.

Mr. Crabtree asked about the gift. The Manager explained the mall donated a cruiser to the police department.

Mr. Kelleher moved the Board vote to accept the gift and have the Manager send a letter thanking them for the gift. Chair seconds. Vote: 4-0.

Mr. Kelleher: said regarding Hamilton St. that they've done the best they can with it and said he noticed the side streets and asked the Manager to look at it when he can.

- said the DEP has said there is no need to maintain the I/I.

Mr. Kelleher moved the Board vote to do away with the I/I. Mr. Serino said the Board is meeting next week on the issue and asked if he would hold his motion until that meeting. Mr. Kelleher withdrew his motion.

- said regarding Holocaust week that a whole generation is not aware and we should do everything we can to continue awareness and asked the Manager to have the

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library use the pushcart donated by the Kelleher Family and fill it with information on the holocaust.

- wished everyone a happy St. Patrick's Day.

Mr. Kelleher moved to adjourn. Chair seconds. Vote: 4-0.

Meeting adjourned at 9:18PM.

Respectfully submitted,

Wendy Reed, Clerk