

BOARD OF SELECTMEN MEETING
JANUARY 25, 2022
7 PM

Chairman Cogliano opened the Meeting: Present: Vice Chair Debra Panetta, Selectmen Corinne Riley, Jeff Cicolini, and Michael Serino. Town Manager Scott Crabtree was absent. All stood for the Pledge of Allegiance.

CONTINUED HEARING FROM NOVEMBER 16, 2021: Kowloon, height restriction to allow buildings to exceed four (4) stories and to exceed 55 feet in height. Attorney Richard Magnan, 194 Central Street, Saugus, MA representative. This hearing was continued from November 16, 2021. Attorney Magnan stated his clients are seeking a Special Permit to allow buildings to exceed four (4) stories in height. He stated: Limitations are 4 floors and 55 feet. The Saugus Zoning By-laws provides relief from this in a Special Permit from this Board allowing the Board to extend the buildings to six (6) floors and ninety (90) feet. Proposed request is for six (6) floors and 67.8 inches - 12.8 feet above the 55-foot limitation. There was a meeting with approximately seven neighbors at the Kowloon Restaurant and suggestions and agreements were discussed.

Several neighbors sent letters in support of the project to the Selectmen. Representative Michael McKeown, from Dennis Mires of Manchester N.H. said that the buildings are mixed use retail, and five stories above that for one-bedroom units for tenants. Buildings are to be placed in the front of the site creating a buffer. There will be roughly five stories of apartment units in each building along with mixed use retail. The footprint is roughly 20,000 – 22,000 square feet per building. Several plans were reviewed. Sites to be connected to adjacent parcels. All apartment parking will be in the back with separate access. Plantings will be used as a buffer to create privacy acoustically and visually.

Chairman Cogliano stated that he and Selectman Cicolini attended the neighborhood meeting as well and asked about the proposed buildings in taking up space. At that meeting, Mr. Touchette explained the difference between two buildings compared to a three-building format. Mr. McKeown stated that going from two buildings to three buildings would take-up, in rough numbers, 30 to 40% more area. He said the buildings would be closer to the neighborhoods.

Selectman Cicolini stated: The building height variance pushes you into a steel construction situation which is safer. He said that the neighbors preferred two buildings vs. three. He highlighted that there would be no balconies per Mr. Touchette. They want to work to help with the appearance, and he appreciated the concern catering to the neighborhood. Neighbors asked about using tint on their windows and it was agreed upon, and the buildings in the back windows. Mr. McKeown said that the buildings closest to the neighbors will have limited glass and the buildings will be pitched back so that windows would be facing the back of the sites.

Selectman Riley asked how many units per story. Mr. McKeown said there will be 18 units per story. No sun issues for Route One traffic and was told it should not be an issue. They are not

focusing on any reflective materials. The glass being used to address the first floor and apartments will be residential usage.

Selectman Panetta asked about the number of units in the first building. Mr. McKeown explained that building one has an additional building attached, which will have parking underneath. These are all residential units per Mr. McKeown. Building 1 will have 90 units. The building in back of building 1 will have 40 apartment units with parking underneath. She asked, while looking at the diagram for the building on the right of the plan (building 2) if the Kowloon was going into the bottom along with another commercial space. That is what they are looking at. Building 2 will also have 90 apartment units. She asked about the distance of Building 1 from Route 1. According to Mr. McKeown, Building 1 will be 50-60 feet from Route 1. She asked if they were all going to be one-bedroom apartments. Mr. McKeown stated that is the design standard, but they are looking at that and what's best for the "city." Selectman Cicolini stated that at the neighborhood meeting he was told there would be studios and one-bedroom units and encouraged the one bedroom and studios plan, and that is what the neighbors also wanted.

Selectman Serino was told there would be 340-350 parking spaces. He stated that we must provide parking for both residents and commercial based on square footage. The parking spaces abut the residential property line. Per our Zoning plan, a 50-foot buffer zone is required, and I am not sure there are enough parking spaces. It looks like some of the parking spaces in the plan are in the buffer zone. Selectman Serino read off the streets and areas (19) that could be impacted by the height variance. "I am worried about the precedent that could be sent with the height up and down Route 1." Selectman Serino believes that a height variance should be a last resort, not a first option. He asked if there was any thought to eliminating the Commercial on the first floor especially since Red Roof Inn satisfies their Commercial percentage? That way they can do four floors of residential, which would be similar to the Maddy's property.

Attorney Magnan reminded the Board that this hearing is just for the height restriction request. Other town departments have not yet reviewed the project. Selectman Serino explained that it seems to be that once the Board of Selectmen votes to allow the height increase, other Boards play off that. Selectman Serino feels strongly that the Board of Selectmen should have a certified plot plan prior to coming to the Board of Selectmen for a height variance. Attorney Magnan said we could approach this differently and go to the other Boards first.

Selectman Cicolini stated that he thought the Town was trying to get away from apartment only complexes. At the neighborhood meeting, both brothers (Bobby and Stanley) stated how vested they are in both retail/commercial and residential.

Selectman Cicolini read into the record a letter from Fire Chief Michael Newbury.

Letter from Fire Chief Michael C. Newbury:

Just wanted to give my opinion on the upcoming agenda item for tonight's meeting in regards to the proposed Kowloon project. The proposals that were given to the abutting neighborhood laid out two options. Two taller buildings near the front of the property and three buildings spread out over the property. Here is my opinion on the two options.

Two Buildings: This proposal is for two steel and concrete constructed buildings with retail space underneath. This type of construction from a public safety standpoint is clearly far superior to the second option. This construction contains the products of combustion into compartmentalized separations, allowing for the safe passage of residents and firefighters in the event of a fire. This also allows all retail space to be located out front of the project and all the parking for this project will be outside in a normal parking lot. This construction is considered to be one of the most resilient from a life safety code standpoint. And historically it has been large fires that have shaped the life safety codes for generations.

Three buildings: This will lead to a greater footprint for the buildings as they are laid out on the property, with the only gain being that they are slightly shorter. This will also put buildings closer to the rear of the property and closer to the abutting neighbors. This project because of the footprint change will require parking underneath a few of the buildings in an open air garage. This leads to multiple issues. First, if there is a car fire in the garage. The smoke and products of combustion will fill the entire garage area with smoke and fire. This will lead to difficulty getting to a car under the buildings and extinguishing it. Although there are sprinklers in underground parking garages. This is great from a code standpoint, but it takes more than a smile and a handshake to put out a car fire. It takes 1-2 crews of firefighters to open a car fully to put a fire out. The products of combustion can creep through void spaces that aren't in concrete construction, and a car fire underneath the building would have an effect on the residents above. This construction is lightweight, and what I would consider to be far less safe than option 1. There is one other issue with the garage underneath, we live in the northeast. The freeze/thaw cycle leads to ongoing problems with any outside sprinkler or standpipe system. I have been dealing with Walmart on an ongoing basis with issues with their sprinkler system in the parking area since the year it opened.

Thanks for listening, I am in full support of this project moving forward.

Keep up the good work!

Michael C. Newbury Chief of Department

Selectman Cicolini stated that four letters in support were received including 14 and 12 Kayla Drive (direct abutters), and he is in favor of the steel construction proposal, public safety, and viability of Route One. He is less concerned with setting a precedent, and more concerned with the safety of the project.

Selectman Panetta explained a full board at the recent meeting would have required posting and asked if a site review was a possibility.

Ms. Carol Mosca, 9 Lisa Lane, asked to see pictures or plans. Chairman Cogliano stated there are none here tonight.

Mr. Erik Comeau, 4 Kayla Drive asked why underground parking was not thought of. Traffic is a problem at the turnaround. He asked about pest control, about property protection, and road work that needs to be done. Selectman Cicolini stated that the petitioner could go forward to the Planning Board with the three buildings plan right now.

Mr. Corrido, 6 Kayla Drive stated that he is the closest neighbor and wants to keep his trees and the architect stated they are increasing the vegetation.

The architect stated that, "Mr. Touchette has proven that his construction standards are high quality." Selectman Cicolini supported Mr. Touchette's qualifications.

Selectman Panetta stated that she would like to go forward with another site visit / neighborhood meeting with all five members of the board present to be able to present a layout of the buildings. Selectman Serino agreed on the visit. Selectman Panetta said when Essex Landing came before the Board of Selectmen, the developer put up a balloon using a crane so that we could better understand of the height & impact of the project. She also asked if there was any design work that could be shared. She stated that this is a very important vote for the Board and wanted to make sure that she received all the information to make the right decision. Chairman Cogliano scheduled the visit for February 5, 2022, at 11 AM. All welcome. Selectman Cicolini made the motion to continue the hearing and schedule a site visit on 2-5-2022. Chair seconds, all in favor, motion passes 5-0.

CITIZEN'S COMMENTS: None

NEW BUSINESS: 132 Main Street and 12 Pevwell Drive alleged contractor's yards taken out of order.

Selectman Cicolini moved to take 132 Main Street and 12 Pevwell Drive out of order in New Business for discussion on two alleged contractors' yards operating at said locations. Chair seconds, all in favor -motion passes 5-0. Chairman Cogliano stated the board received numerous calls complaining about the issues at those locations. He stated the Building Inspector went out to look at 132 Main Street, but owner of property was uncooperative. No one appeared from 132 Main Street.

Speaking on 132 Main Street: Mr. Cory Berkowitch, 124 Main Street. He stated: "There are three or four vehicles on his site and is using the property as a contractor's yard and hosting multiple parties of 200 to 300 kids parked there up and down the streets leaving trash, urinating on neighbor's property. Police has been there several times. "

Mr. Ken DePatto, 137 Main Street. "I observed many commercial vehicles, flatbeds, and dump trucks going in and out all hours. The traffic he causes when trying to back out of his property creates traffic delays. I believe that a contractor's yard is not allowed in a residential neighborhood according to the Saugus Zoning By-laws. There have been parties there with over 300 kids there – it is crazy. Police responded to the latest party. I believe he is operating his business from his residence."

Mrs. Karen Shipulski, 128 Main Street: "I have lived in Saugus all my life, husband is a retired fireman. I have been traumatized by the actions of this neighbor. He has shown no respect for any of us; bright lights, equipment going in and out. Always people going in and out. Eight trucks and four Mercedes were parked on his property recently and this was a slow night. The parties are awful – running throughout our yards, banging on our doors; I believe these kids are

drinking and no one is checking on them. Our neighbors are united in dealing with this. We have been living with this for a long time and it's been very painful."

Selectman Panetta stated that the owner bought the house approximately one year ago and these problems have been going on for a year.

Chairman Cogliano stated he will refer this issue to both the town manager and town counsel and will make every effort to make sure this goes away. Selectman Cicolini stated that he asked the Building Inspector as well to also review 12 Pevwell Drive and found many issues and if we need to hire town counsel to explore all options, we will. Selectman Riley thanked Karen Shipulski for all the photos and information forwarded to her. Selectman Serino stated that he viewed many areas in town and said that it is evident we need to beef up enforcement.

Chairman Cogliano noted that no one from 12 Pevwell Drive attended this meeting and said that the board will also refer this matter to both the town manager and town counsel.

Selectman Cicolini moved to go back into normal order and accept our first public hearing. Chair seconds, all in favor, motion passes 5-0.

PUBLIC HEARINGS:

7:15 PM: Request to transfer common victualer's and entertainment license. From Angelo's Roast Beef and Pizza 343 Main Street, Saugus, MA to Yahia Thabet. Mr. Thabet: "I bought this business several months ago. I own another pizza business on Walnut Street, Lynn, MA. I will get inspection from the Board of Health. All the same as former business. There is an outdoor grease trap both inside and outside. Any in favor or any objections; none. Selectman Cicolini moved to close the hearing. Chair seconds, all in favor, motion passes 5-0. Selectman Cicolini moved to transfer the Common Victualer's and entertainment licenses, keeping the same hours of operation, seating and contingent upon meeting all the regulations by the Saugus Board of Health. Chair seconds, all in favor? Motion passes 5-0.

7:30 PM: On the request of Alltown Saugus, MA for Extended Hours of Operations License at 1123 Broadway, Saugus, MA: Regional Director Natick, MA. A paperwork trail – Alltown has been operating for 24 hours. Any in favor – none. Vice Chair moved to close the hearing, Chair seconds. All in favor – motion passes 5-0. Vice Chair Panetta offered a motion to approve the request granting the Extended Hours of Operation of 24 hours. Chair seconds, any in favor – motion passes 5-0.

7:45 PM: On the request of Lawrence M. Nagle, Jr, d/b/a/ North Shore Autobahn, for a Class II license to operate a business at 91 Broadway, Saugus, MA. Mr. Nagle, 212 Hamilton Street, Saugus, MA addressed the Board. Chair Cogliano: "This business is presently closed with problems. Visited site with police and building inspector to board up the building. I spoke with the landlord and sent him a memo asking to continue to clarify issues with the petitioner. Vice Chair Panetta offered a motion to continue the hearing until February 15, 2022. Chair seconds – all in favor, motion passes 5-0.

8:00 PM: On the request of Diorgins Niero, of Avante Fogo A. Lenha Pizzeria, located at 1268 Broadway, Unit B, Saugus, MA to transfer the Common Victualer's license to Sergio Orenge and Aparecida Bohanon. Father and son, both owners, addressed the board. Selectman Cicolini as if it would operate the same hours, meals, etc. agreed by the owners. Vice Chair Panetta asked about history. Both worked in many pizzerias. Worked in Brazil for five years. It is a family business. Any one in favor, - none. Selectman Cicolini moved to close the hearing. Selectman Cicolini offered the motion to accept the transfer attaching the conditions of the Board of Health and including all the original conditions. Chair seconds. All in favor, motion passes 5-0.

8:15 PM On the request of Meat BBZ, Inc, d/b/a/ K-Town BBG, for a Wine, Malt and Cordial licenses, Common Victualer's license and a non-live Entertainment License to be located at 910 Broadway, Saugus, MA. Attorney Karl Wong, 8433 State Street, Boston, MA representing the applicants Albert Wong, Manager, 37 Mt. Pleasant Street, Arlington who presented his Tips Certified Certificate and owns a restaurant in Manchester, NH. Hours of operation request is 9 AM 1 AM, 7 days a week. Petitioners own two restaurants.

This restaurant is going in the former Midwest Grille. Ron Dow is part owner with many years of experience. They have 105 seating with a 10-year lease. Will order \$250,000 in equipment. Hiring an additional 10 employees. Vice Selectman Panetta asked for a copy of the menu. No breakfast will be served. Applicant passed out copies of their proposed menu. They are requesting a 9 AM opening to prepare for the day – everything fresh. Any in favor/opposed – none. Selectman Cicolini asked about separate voting. Selectman Cicolini made the motion to close the hearing. Chair seconds, motion passes. 5-0. Selectman Cicolini offered the motion to grant the Common Victualer's and non-live entertainment license to Meat BBZ, Inc, d/b/a K-Town BBG, located 910 Broadway Suite (Parcel) A, hours of operation will be seven days a week, from 9:00 AM – 1:00 AM: maximum 105 seats in dining room and bar area. Health Department plan review, food permit application, complying with the Health Department's regulation of operating a food establishment, regulations of grease trap & plastic bag ban, and all fees are paid in-full to the Collector/Treasurer. Chair seconds. Motion Passes: 5 to 0. Selectman Cicolini moved to grant the request to Meat BBZ, Inc, d/b/a K-Town BBG, located 910 Broadway, Suite A, a Wine, Malt and Cordial license with the same stipulations as the Common Victualer's license. Chair seconds, all in favor – motion passes 5-0. Chairman Coglianò informed the petitioner of several all-alcoholic licenses for sale in the town.

Old business: Vice Chair Panetta presented the final copy of the Saugus Cable T.V. contract. A list of changes was read to make sure all members understood the updates. Selectmen were given a hard copy which will be given it to Director Nadeau for the SCTV Board to review and sign. Counsel stated changes were minimal and could set fines if reports are not received in a timely manner. The Selectmen Serino and Riley thanked Vice Chair Panetta and the SCTV Board of Directors.

Selectman Cicolini moved to accept, sign, and return the finalized Saugus Cable T.V. contract to Director Nadeau. Chair seconds: all in favor, motion passes 5-0.

TOWN MANGER APPOINTMENTS: Selectman Serino offered a motion to confirm the re-appointment of Mr. Dan Kelly to the Board of Assessors. A two-year term expiring December

31, 2024, Chair seconds: Roll Call Vote: Motion passes 5-0. Chair Cogliano sent out well wishes from the board to Mr. Kelly for a speedy recovery.

Vice Chair Panetta offered a motion to confirm the re-appointment of the following members of the Council on Aging: Kenneth Strum, 18 Endicott Street; Mary Dunlop, 4 Trull Circle and Ralph Gonsalves, 46 Crescent Avenue and Judy Worthey, 35 Juniper Drive. Reappointments effective immediately and expire on December 31, 2024. Chair seconds all in favor Roll Call Vote passes 5-0.

Selectman Panetta offered a motion to confirm the appointment of Kevin Currie, 26 Birch Street, to the position to the Commission on Disability effective immediately and expire on December 31, 2024. Chair seconds. Roll Call vote: Passes 5-0.

MEMBERS COMMENTS:

Dog Park report

Selectman Cicolini: The first meeting was held, with Selectman Cicolini, his wife, three town meeting members (one from Precinct 3) and a representative from the town manager's office attended. They will inviting the four other Town Meeting members from Precinct 3 to the next meeting which will be held mid-February at a posted meeting. We are looking into Stocker Field. Joe Vecchione submitted report on the land and took photos of other locations. The Stanton Foundation and a separate non-profit organization will help. I will meet with the town manager and five town meeting members and eventually, present a final report. The Stanton Grant for this year already passed this year but hope to apply in 2023 in the hope that we can start construction then and have it completed by late 2023 or early 2024.

Selectman Riley asked if there were any laws on the books in Saugus pertaining to a dog park and was told there was not. Selectman Cicolini that there are no specific by-laws in Saugus, but we are going to meet with a few towns that have developed by-laws for addressing Dog Park regulations. There will be a lease, proper signage to mitigate any risk. We will meet with other organizers and maybe hire an attorney. At the next meeting we will post the meeting in mid-February. There are two options, and we are looking at Stocker Playground. The grant from the Stanton Fund, there will be fund raising along with the same process as World Series Park. Selectman Cicolini stated he will be meeting with the town manager. Vice Chair Panetta offered her assistance in developing the plan.

CITIZEN COMMENTS:

None

Minutes:

Vice Chair Panetta asked to continue the minutes of December 14, 2021. Chair seconds: motion passes 5-0.

Members Comments: (Continued)

Selectman Riley thanked Board of Health Director John Fralick and Senior Citizen Director


Joanne Olsen for all their efforts in the distribution of the free test kits and getting them out to our community.

Vice Chair Panetta asked to put the Clifftondale Revitalization Plan on the next agenda. Chair seconds, all in favor, motion passes 5-0. She commended the Library Foundation for the recent virtual Bingo fundraiser and thanked those responsible for obtaining the three air quality sensors, where Selectman Riley will clarify if there is a second round of grants for these sensors.

Chairman Cogliano thanked the community for the vote on building a new vocational school, thanked the board and Mr. Vogler who was in attendance.

Selectman Panetta made the motion to adjourn, Chair seconds, all in favor, motion passes 5-0. Meeting adjourned. 9:10 PM.

Respectfully submitted,



Janice K. Jarosz, Temp Clerk