

**Andrew Board of Selectmen**  
**Meeting September 7, 2021 – 7:00 PM**

Chairman Anthony Cogliano opened the meeting. Present also were Vice Chair Corinne Riley, Selectmen Jeffrey Cicolini, Debra Panetta, and Michael Serino. All stood for Pledge of Allegiance. Chairman Cogliano asked for a moment of silence for the thirteen servicemen who lost their lives serving our country.

Invited guest: Town Counsel John Vasapoli.

Invited guest Town Clerk Ellen Schena, requesting signatures for the November 2, 2021, election. Selectman Cicolini moved to sign the warrant. Chair seconds: Motion passes 5-0.

**Correspondence:** Mr. Chris Rais submitted a letter concerning the status of the athletic fields in Saugus. Selectman Serino offered the motion to refer the letter to the Youth and Rec Commission. Chair seconds, all in favor – motion passes 5-0.

**Continued Hearing:**

Chair asked the board for a motion to take the continued hearing on HRP Saugus LLC for a modification to its Special Permit for 20, 150, 140 Salem Turnpike to allow proposed UPS facility to operate 24 hours per day out of order.

Selectman Panetta offered a motion to take the Hilco continued hearing out of order. Chair seconds, all in favor, motion passes 5-0. The chair explained that this petitioner came before the board last year for a Special Permit to operate a business between 6 AM, 2 AM and tonight are asking for additional hours between for four trucks between 2 AM and 6 AM.

Attorney Richard Magnan, 194 Central Street, Saugus, MA addressed the board for the petitioner requesting a license to operate the UPS business from 2 AM to 6 AM, Mondays through Sundays for a modification of the special permit.

Mr. Andrew Chiset, Newton, MA HRP representative, addressed the board: “We received a Special Permit last year to build a 125,000 square foot building and UPS will lease the building once completed and reduced the size of the building and now will be 30% smaller than the original plan of 87,000 square feet and we will be conducting a Job Fair at the site for the 208 positions that will be available. Our plans consist of improving the roadway and stormwater system, create a public waterfront access to the Saugus River along with wetland replication, and removal of the old pier.

The yearly expected taxes will be a \$340,000 annual benefit to the town. The Special Permit includes all twenty-eight conditions. The representative from UPS addressed the board explaining their presence in the coming years. Our drivers go out on the road and all-day making deliveries. The trucks come back and sit there all night. The 2AM – 6 AM is when we load up the trucks for the next day. We do not expect any other activity during that time period and the only other activity is done inside where we will be loading the vehicles.

Selectman Panetta asked how many trucks would be coming into the facility from 2 to 6 AM and was told it would be four tractor trailers. Also, regarding the Belden Bly Bridge, how is the traffic flow going to work and will there be a policeman there. Josh Davis coordinating with DOT, explained that there will be a temporary traffic signal for Ballard Street as well with a signal going left and another one on Route 107 and take a right the other way. Chairman Cogliano asked about the traffic pattern coming out of UPS they will be able to take a left going where the new configuration is going. Mr. Davis said yes.

Selectman Cicolini: "The board held a lengthy meeting with the UPS attorney to understand who was going to be the tenant. We agreed upon was the white back up noise sensors on the trucks to prevent noise. No Saugus streets activity from 2AM – 6 AM – everything goes through Route 107. Agreed to have cameras that can connect to our system so we will have monitoring rights that can go through to the police department to make sure you are living up to your end of the bargain and having access to the truck data to make sure something was not missed on the cameras – we can do random checks ensuring everything is being done correctly."

Chair Cogliano introduced Attorney Michael Scott to go through the conditions. The Chair stated he sent a memo to board members and asked if he would read it to the public which he did. (See Attachment "A".)

Selectman Riley: "I just want clarity on these additional conditions. Will these conditions be between the town and Hilco or between the town and UPS?" You were going Mr. Scott, to meet with our town counsel and put these conditions on the Special Permit as an addition and not a contingent with the property – is this a separate issue and who will be able to revoke it?

Attorney Scott: "I proposed these conditions and suggested, if possible, there could be a separate agreement between the operator and the town containing the same provisions as the amended Special Permit. We can change the wording to state the tenant would agree to do the same things with the town and we can address this in a separate agreement by UPS with an agreement with the town as well."

Chairman Cogliano to town counsel: "The Special Permit runs with the land under the conditions with Hilco who we would be enforcing with Hilco. Town Counsel John Vasapolli: The Special Permit and amendments/conditions run with the land. This would be an amendment to the Special Permit eliminating Condition 20 and inserting the 2-6 AM operation and this amendment would be recorded in the Salem Registry of Deeds for whoever uses the property.

Selectman Cicolini stated: At some point, we need to make a decision. They are already under construction. If they add to the no trailer trucks 24 hours a day, posting signs, receive access to cameras, and all other conditions, as long as we make these conditions they stay with the land and buildings, we have enough teeth and I support the opinion from town counsel. I am ready to act on this tonight."

Selectman Riley: "If we could put a condition that you will pay for all legal fees if we have to go after UPS or Hilco, would you agree to this condition?" Attorney Scott agreed to pay the legal fees if the town was successful.

Selectman Panetta: "What are the steps in taking any action against the tenant or Hilco?"

Town Counsel John Vasapolli: "I refer to Article 10 in the Saugus Zoning By-Laws that states if there is a violation the building inspector shall serve notice of the violation and direct immediate discontinuance of the violation/s. Any of these conditions would be a zoning violation and would, under Article 10.5, if it is not complied with immediately, the building inspector shall take action to prevent any action at law, to prevent any unlawful use or condition restrain said violations. If there are any violations and you can prove them, you go to court courts general uphold zoning officers.

Selectman Panetta: "I just do not have any confidence in the enforcement in our town."

Selectman Serino: "I cannot vote for this without signed documents,"

Precinct 10 Town Meeting Member Peter Manoogian offered an alternative with reference to the Aggregate Special Permit to reapply for a new permit every six months.

Selectman Cogliano: Mr. Manoogian you voted in favor last year. Why have you changed your mind? Selectman Panetta asked why a bylaw would be necessary?

Selectman Cicolini "The reason we had that renewal is and I spoke to Mr. Manoogian about this. Special 2 Permits stay with the land. Other boards could deny in six months and would be controlling. They are already involved and must wait another six months. You cannot have a renewal and leave it up to the future. Four trucks coming from Logan 2 AM to 6 AM. Mr. Manoogian asked if the petitioner would be agreeable to this offer.

Attorney Scott stated: "No bank would put millions of dollars into a project with a six-month renewal. UPS will not enter a lease. Selectman Cicolini stated that there could be a new board without any history and would need to start over again. Based on research we are either in or out and they are investing millions and are entering into a 20-year lease. We have given a lot of protection to the town, and we should take this to a vote tonight.

TMM Joe Vecchione, Pct 2, "I agree that Section 10 provides protection. We should not penalize the tenant for enforcement, as it is a town problem. Traffic wise, the trucks going down Ballard Street are servicing our community. Mr. Gliona, 5 Ballard Street questioned trucking on Ballard Street. Representative stated that There will be sixty trucks. Two hundred employees, and 140 additional employees etc.

Mr. Martin Costello, TMM Pct 10. The economic benefit the town is great, and I am in favor. Asked if we are protected and if they expand where are we – what recourse do we have?"

Chairman Cogliano: "There is only one tenant and I do not want anything to hurt our neighborhood. The town will hold them to it. Selectman Serino asked about #16, building is limited to a smaller footprint and come down to 87,000 square feet. UPS to draft a memorandum of understanding and UPS will agree to the twenty-six stipulations. UPS can occupy building for

20 – 40 years. Selectman Riley said that we can watch what going on in Saugus – it is an industrial part of town, and we can enforce if necessary. Town Counsel stated that there is a document from the attorney.”

Selectman Cicolini moved to close the public hearing; Chair seconds: All in favor; passes 5-0. Selectmen Cicolini moved to grant the request of HRP Saugus, LLC for a modification of the Special Permit to allow the facility to operate 24 hours a day, adding four more hours per day from 2: 00 AM to 6 AM, located at 20, 150 and 140 Salem Turnpike, Saugus, MA. This motion is based on a memorandum from Attorney Michael Scott dated August 20, 2021. We are adding additional conditions to the original 21 conditions to the Special Permit already granted by this board. The wording will be taken directly from the verbiage taken from Attorney Michael Scott and signed off by town counsel.

Conditions added: Condition 22: No trucks will use Ballard Street from 2 AM to 6 AM;

Condition 23: A posting of signs visible to all trucks that are exiting the facility stating No Travel on Ballard Street from 2 AM to 6 AM.

Number 24: Programing on the trucks for non-direct truck access to Ballard Street from 2:00 AM to 6:00 AM and provide data of GPS units as requested by the town.

Number 25: The applicants agreed to either or post a camera over Ballard Street to record and deliver to the town on thirty day increments maximum or reimburse the town to add cameras on our existing system where we would be monitoring, and the applicants would incur the cost of installing and bringing it in to our existing system.

Number 26: The applicants agreed to install white noise back up tractor alarms on trucks from 2:00 AM to 6:00 AM.

Number 27: Applicants agreed to pay legal fees incurred by the town if there is a breach of conditions requiring injunctive relief being sort by the town of Saugus.

Number 28: Agreed to modify the original condition and modify the size of the building not to exceed 100,000 square feet.

Chair seconds the motion – any discussion? Roll Call Vote: Selectman Cicolini YES: Selectman Panetta YES: Selectman Riley YES: Selectman Serino NO Anthony Cogliano YES: Motion carries 4-1.

Selectman Panetta made a motion for a 5-minute recess Chair seconds; motion passes 5-0.

## **BACK IN SESSION**

Planet Fitness, 325-327 Broadway, request for special permit to extend the hours of operation from Sunday to Saturday 24 hours a day. Attorney Richard Magnan representative. Stated: “The board approved a special permit at a prior meeting for personal fitness, and health club and

a floor plan and tanning beds information required by the Board of Health. Also requested were hours of operation from 2 AM to 6 AM under Section 810 of the Saugus By-laws.

Selectmen Cicolini: Project Manager is this the business model to have their facilities 2 hours. All operations 24 hours. The location in a shopping plaza is a reasonable request. Any in favor? No comments. Selectman Serino moved to close the hearing Passes 5-0. Serino moved to grant the request for the 2 – 6 AM. Roll Call: Selectman Cicolini YES, Selectman Panetta YES: Selectman Riley YES: Selectman Serino YES; Selectman Cogliano YES. Motion passe 5-0.

Jersey Mikes Subs requesting a common victualer's license to be located at Hillside Mall, 741 Broadway, Saugus, MA. Mr. Bob Quinlan, Duxbury, MA. Jersey Mikes has been in business since 1976 and this would be our ninth location Selectman Panetta asked about seating twenty-four the hours of 10 AM to 9 PM seven days a week and hope to open at the end of October.

Exterior grease trap being installed. No objections from Board of Health. Selectman Cicolini offered a conditional for a sign off on Board of Health. Selectman Cicolini moved to close the hearing. Any in favor? No comments: Selectman Cicolini moved to grant the request to Jersey Mike's with the hours of 10 AM to 9 PM, seven days a week, with twenty-four seats conditional on final sign off from BOH. Chair seconds; All in favor? Motion passes 5-0.

Apple New England, LLC, d/b/a Applebee's Neighborhood Bar and Grill requesting a change of manager to Paul Benko, Atkinson, NH. Mr. Benko: I have Worked in the beverage industry since 1995 and been with Applebee's and employees trained yearly about tips and other issues. Any in favor. NO comments. Selectman Panetta moved to close hearing. Chair seconds: 5-0. Selectman Panetta moved to grant the request to change manage to Paul Benko waiting for CORI to come back. Motion passes 5-0.

National Grid: 315 Central Street upgrading their service to be put underground. Selectman Cicolini suggested checking that payments are up to date. Selectman Riley asked about 41 Adams Avenue double pole and there is a huge hole and needs to be fixed. Selectman Panetta moved to continue hearing to obtain approval of DPW. Chair seconds. Motion passes 5-0.

**CORRESPONDENCE:** Auburn Street. Selectman Panetta believes it is a police department. Neighbors concerned. Selectman Cicolini moved to refer to town manager, police department, and get some relief. Selectman Panetta stated they need relief. Selectman Cicolini moved to refer issue to town manager and police regarding parking of van. Chair seconds, motion passes 5-0.

Selectman Serino moved to refer letter from DEP to Conservation Commission and place it in the file. Passes 5-0.

MBTA Selectman Serino inner core not up for re- election and moved to refer it to the file, Chair seconds. All in favor? Motion passes 5-0. Street

**APPOINTMENTS:** Board of Registrars: Selectman Serino moved to appoint Erica Machut, 56 Pearson Street to the Board of Registrars to a three year term ending March, 2024. Chair seconds: motion passes 5-0.

**CONSTABLE REAPPOINTMENTS:** Mr. Dana Prestone 2009 investigation business started 1998. Selectman Panetta moved to reappoint Mr. Dana Prestone as Constable with a term to expire in 3 years, July 31, 2024. Chair seconds, Motion passes 5-0.

Mr. Mark Iannuzzi requested to be placed on the next agenda. Selectman Panetta moved to continue until next meeting. Chair seconds motion passes 5-0.

**NEW BUSINESS:** Applicants for All Alcoholic Liquor Licenses

Juicy Seafood, 180 Main Street, Saugus, MA. This is not a public hearing just an invite to come in. Attorney Edward Hung representative. Selectman Cicolini asked when opened and was told May, 2020, right when the pandemic hit. Another family location in Dorchester.

Selectman Cogliano explained that there are three licenses Midwest Grille and Sully's maybe five available. We had two others before the board, Pushcart and Sho. We can schedule you a public hearing at our next meeting. Selectman Cicolini two licenses for Clifftondale area to try to stimulate. We need to see what is available and it is not that we have four licenses available at this time.

Selectman Cogliano stated the board will notify them. "We have two others who applied several years ago. If we have more available, you will be notified. Beer and wine licenses may be available at a later date. Selectman Cicolini asked about beer and wine and was told they need to turn them back to the town.

Continued hearing Pushcart, Nelson Chang stated they applied in 2009. A full liquor license would enhance the business. No violations and asked for license. Selectman Serino stated he supports license award. Selectman Riley impressed with business. Selectman Panetta very happy for opportunity to come up. Chair Cogliano asked if anyone in favor? Selectman Panetta moved to close hearing. Chair seconds; Selectman Panetta moved to grant the request for an all-alcohol liquor license, conditioned upon on turning in their beer and wine license. Chair seconds; All in favor. Motion Passes 5-0.

Shoyu Restaurant 1214 Broadway, Saugus, MA. Attorney Richard Magnan, Manager and Operator Michael Mie made presentation a few weeks ago and it was continued. Presentation made recently. There is a beer and wine license. Renovations made and added a bar area. If approved, the beer and wine and cordial license will be turned back to the town. Selectman Serino stated the restaurant is beautiful. Selectman Panetta moved to close public hearing. Selectman Panetta moved to grant a full liquor license, and will return beer and wine, and cordial license back to the town. Chair seconds; Any discussion - None. Motion passes 5-0.

8- 11 Hewlett Street for modification of special permit: Mr. Rubin 76 Ashland Street, Lynn, MA. stated that he wants to park my two trucks outside in my as I need to put my tools in the building. Selectman Cicolini was told they are 550 trucks, two of them. Mr. Rubin takes a truck to work. Bob cat inside and can leave it inside.

Selectman Serino stated no additional trucks and told there are only two trucks. There is one in and one out – needs more space not increasing trucks. Selectman Cicolini stated eight parking for vehicles only. Current permit stated limit of one truck and one outside. No increase of trucks. Just want to store them outside. Selectman Riley asked if Brother’s Garage is name of company. An abutter sent an issue about the property regarding zoning.

“I put some of the materials inside.” Selectman Panetta asked if we grant the two trucks outside, and the equipment will be moved inside. Any in favor none. Selectman Serino moved to close the hearing Chair seconds. Passes 5-0. Selectman Serino moved to revise #2 at 11 Hewlett Street that two trucks are parked outside and materials inside. Chair seconds. Motion passes. 5-0. Selectman Cicolini stated that Mr. Rubin is asking limit of two 550 dump trucks to be parked outside. Roll Call Vote: Selectman Cicolini, YES: Selectman Panetta, YES: Selectman Riley YES, Selectman Serino YES; Chairman Cogliano YES. Motion passes 5-0.

The board sent condolences to the town manger on the passing of his aunt.

Bill Kramich, 8 Emory Street. “Work is going on Saturday and Sunday. Putting shingles on holiday putting gutters on. 6:30 AM Sunday. Spoke to Town Manager and he called building inspector. No safety measures, no licenses and doing the work. Building Inspector told them to stop work and as soon as he left, they went back to work. We need to do something about work on weekends.

Mr. Joseph Vecchione TMM Pct #2. Sent letter to board regarding Cliftondale Square. Questions: “Strange how Saugus works. In Saugus, all correspondence must be through the town manager. This affects the efficiency in Saugus. Overly centralized with one person. Board needs to maximize efficiency. Take a look at the Charter. Replies should be made within a month and in writing.

MEMBERS MOTIONS: Selectman Serino announced the Sept 19, 2021, Candlelight Vigil on town hall lawn. SCTV stand out for all the coverage for all boards. Selectman Riley: “7 PM on Lawn, name of loved ones can be submitted on saugusremembersatGmail.com.”

Also, to remember 20th anniversary of 911 And best of luck to school children. Evaluation meeting Wednesday at 8 AM September 15, 2021. Conference Room. Selectman Riley asked why town manager needs to be at meeting. Selectmen Cicolini stated four-fifths get together regarding goals and objections works.

Riley stated we need to get it done. Selectman Panetta announced Founder’s Day 9 AM to 3 PM. Selectman Cicolini will have booth for the senior class of 2022 HS2. Questions about stadium used for practices fire department signed off with late change. Chairman Cogliano apologizes to the board for the recent incident at the board meeting. He asked parents to be patient with the traffic issues at the school. If there are issues, we will bring it up. 1 – 5 from Vine to the high school. Police will be there.

Selectman Panetta moved to accept the minutes of July 20, 2021, meeting; Chair seconds.  
Motion passes 5-0. Panetta moved to adjourn. Chair seconds; all in favor – Motion passes 5-0.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Janice K. Jarosz".

Janice K. Jarosz, Temp Clerk