

Saugus Board of Selectmen
December 14, 2016

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

AGENDA
Saugus Board of Selectmen
December 14, 2016 at 7:30 PM
Town Hall Auditorium, 298 Central Street
Saugus, MA

Call to order.

Invited guests: David Horvath & Larry Applegate

Citizen's Comments

Continued Hearings: -Victor's, 1639 Broadway for Entertainment License
-Show Cause Hearing on Licensed Businesses non-payment of taxes, fees, etc.

Public Hearings:

7:50 PM Mahima, LLC d/b/a Great Convenience, 501 A Main Street, Nirav Patel, manager, for
NEW Beer & Wine Package Store License

7:55 PM Red Dog Pet Resort & Spa, for modification of Special Permit (S-2) to allow pet care and
overnight boarding to be located at 190-192 Walnut Street voted 3/2/16 BY: allowing an additional 2,100
s.f., second floor outdoor area, Assessor's Plan 1043, Lots 248 & 247.

Old Business: Oye's, 44 Broadway – update on liquor license.

New Business: 2017 License Renewals

Manager's Report:

Approval of minutes: November 30, 2016; and December 7, 2016

Member's Comments:

-Christmas / Holiday parade on Christmas Eve.
-Boy Scouts Tree/Wreath sales
-Discussion re: Saugus River Walk project on Thursday, 12/15 at 6:30 p.m. at the Fox Hill Yacht Club

Citizen's Comments

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The Saugus Board of Selectmen met on December 14, 2016 at 7:30PM 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.

The Chair called the meeting to order and welcomed all and thanked cable for recording their meetings and Town events.

Invited guests: David Horvath & Larry Applegate

The Chair said unfortunately there is a last minute conflict and will reschedule in January.

Citizen's Comments None.

Continued Hearings: -Victor's, 1639 Broadway for Entertainment License
V's Italian Cuisine LLC d/b/a Victor's Italian Cuisine, 1639 Broadway, Entertainment License for
televisions; dancing; live band; DJ; and singer with one instrument.

Attorney Richard Magnan, 194 Central Street was present representing V's Italian Cuisine, LLC and explained he has only been able to meet with his client last week and there are a couple of issues to work out before and respectfully requested the Board continue the hearing. The Chair asked if he would be ready for January 4th. Attorney Magnan said yes.

Selectman Cicolini moved to continue the hearing, as requested by Attorney Magnan on V's Italian Cuisine LLC d/b/a Victor's Italian Cuisine, 1639 Broadway, Entertainment License for televisions; dancing; live band; DJ; and singer with one instrument to the January 4, 2017 meeting. Chair seconds 5-0.

Continued Hearings: -Show Cause Hearing on Licensed Businesses non-payment of taxes, fees, etc.
Show Cause Hearing on Best Buy Stores LP, 1201 Broadway; Mayflower Square One LLC d/b/a Square
One Mall, 1201 Broadway; Papa Gino's & D'Angelo Sandwich Shop, 385 Broadway; Target Corp, 400
Lynn Fells Parkway; and Walgreens, 1228 Broadway, for non-payment of taxes and or fees for more than
12 months.

Selectman Brazis said the Board received report some businesses have brought receipt of payment.

Selectman Brazis moved the Board vote to take no action based on the fact the businesses and / or property owners have paid outstanding monies owed to the satisfaction of the Collector / Treasurer: Papa Gino's, 385 Broadway; Target, 400 Lynn Fells Parkway; Walgreens, 1228 Broadway; and Best Buy, 1201 Broadway. Chair seconds 5-0.

The Chair said Square One Mall tenants are the only one left on the list.

Selectman Brazis moved to continue the hearing to January 4, 2017 and the licenses will expire on December 31, 2016 and licenses will be suspended, unless paid by December 31, 2016, Chair seconds 5-0.

Selectman Cicolini moved to take approval of minutes out of order. Chair seconds 5-0.

Approval of minutes: November 30, 2016; and December 7, 2016

Selectman Brazis moved to approve the minutes of November 30, 2016. Chair seconds. The Chair offered a correction. Motion to approve with correction passed 5-0.

Selectman Brazis moved to approve the minutes of December 7, 2016. Chair seconds. The Chair offered corrections. Motion to approve with corrections passed 5-0.

Selectman Cicolini moved to take Old Business out of order. Chair seconds 5-0.

Old Business: Oye's, 44 Broadway – update on liquor license.

Attorney Richard Magnan, 194 Central Street was present with principal business owner Kevin Ye and explained they had hoped to be open in early December but it is not feasible or practical even with the great deal of effort and said the Building Inspector viewed the site and in all reality should be completed more toward the end of January and said constant work is going on. The Chair said, respectfully that the date keeps getting pushed out and asked if they really will be open at the end of

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January. Mr. Ye said he is trying to get it done but there is so much work to do. Selectman Brazis asked if the work is done in the parking lot. Attorney Magnan said there still needs some work and was told the weather will not allow it to be paved until spring, but it will be usable. Selectman Cicolini said he understands they are trying to get the project done and personally he thinks it looks like a 4 week time frame with mid-January as target date and feels it's reasonable to ask for a written update for the Board's January 4th meeting and if not realistic he would ask they come back January 18th. Selectman Brazis agreed. Attorney Magnan said that's fair and did invite Board Members to the site.

Selectman Cicolini moved to request correspondence from Attorney Magnan on behalf of his client Oye's, 44 Broadway at the January 4, 2016 meeting and if they will be ready to open by January 14 and if they will not be ready, to have them before the Board at the January 18th meeting.
Chair seconds 5-0.

Public Hearings:

7:50 PM Mahima, LLC d/b/a Great Convenience, 501 A Main Street, Nirav Patel, manager, for NEW Beer & Wine Package Store License

Attorney Arthur Pearlman Framingham, was present with applicants Nirav & Kirit Patel and passed out affidavit of notice to abutters and introduced the owners and gave their experience noting at least one of the three will be present at all times and described floor plan. The Chair asked how long they have been open. Attorney Pearlman said 2 ½ months. The Chair asked now they want to switch from convenience store to beer & wine store. Attorney Pearlman said right. The Chair asked if it was their intention all along. Attorney Pearlman said the Liquor Rules do not allow in convenience store, so they made a business decision to just be package store. Selectman D'Eon said the affidavit says there are no schools, churches or hospitals within 500' and said there is a nursery school there. Attorney Pearlman said that is the information he got from the Assessors. The Chair suggested it may be a day care facility. Attorney Pearlman said he was not made aware by the Assessors. Selectman Cicolini said he looked it up and it is a pre-school.

Any to speak in favor or in opposition?

Greg Murray, 446 Main Street, said he is concerned with it being within 500' of a school and heard the experience of applicants and one is being trained he would like experienced people operating and said he is opposed and that there are 7 liquor stores within 2.2 miles and said the location is close to Rte. 1 and Wakefield and doesn't want to invite hold-ups to a neighborhood with children and a school.

Ron Del Genio, 438 Main Street, complained of the lights and is opposed because there are other liquor stores close by.

Ed Brown, 442 Main Street, said the lights are a concern and the pre-school there and we have other liquor stores and said when the building was built there was a condition no liquor license and is not in the Town's best interest.

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

Selectman Cicolini moved to deny the request of Mahima, LLC d/b/a Great Convenience, 501 A Main Street, Nirav Patel, manager, for NEW Beer & Wine Package Store License for all reasons mentioned including: a pre-school is located in the same complex; the lack of public need with other liquor stores within 2 miles. Chair seconds. Selectman Brazis speaking on the motion said he has concern of the impact it would have and feels there is no need for another liquor store in the area. Selectman D'Eon speaking on the motion said she had concern with the pre-school being there and thanked the neighbors for coming and letting the Board know how they feel about it. The Chair said the Board requested the clerk send notice to abutters to make them aware. Vote 5-0.

7:55 PM Red Dog Pet Resort & Spa, for modification of Special Permit (S-2) to allow pet care and overnight boarding to be located at 190-192 Walnut Street voted 3/2/16 BY: allowing an additional 2,100 s.f., second floor outdoor area, Assessor's Plan 1043, Lots 248 & 247.

Eric Schneider, owner was present and thanked the Board for having him back and passed out conceptual drawing of proposed changes and said he took their concerns from last meeting and made

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changes to the upstairs area including adding a roof and additional fencing on top of the wall. The Chair said she did call his Boston location and was going to go on the tour and when asked where the dogs go to do their business, she was told the dogs never go outside and they have special flooring inside and said he told the Board he was following a business plan but it seems this plan is different from Boston. Mr. Schneider said he did invite the Board for a tour and there is an outside area on the 2nd floor deck and they do go out 3 or 4 times a day and doesn't know who she spoke to. Selectman Cicolini said he doesn't understand what the issue is and said this is much better than a machine shop that was there and can no longer call it a "roof", now it's an enclosed structure and has addressed the drainage / sewer issues. Selectman Mitchell agreed and said he's not sure why they are rehashing the past and should be looking at what's before them now. Selectman Brazis said he does appreciate the letter of apology and asked the number of stalls. Mr. Schneider described. Selectman Brazis said last time he had 32 but now 26. Mr. Schneider said it is a new design. Selectman Brazis asked about the floor. Mr. Schneider described with a pitched drain system. Selectman Brazis asked if it is a rubber roof now. Mr. Schneider said yes. Selectman Brazis said he has done completely everything he wanted to see last time and said in March he requested 200 dogs and with the stalls will be close to that number and has concern with more than 150 as restricted. Selectman Cicolini said the license isn't for the number of dogs and he can't expand that. Mr. Schneider said he is not adding to numbers just accommodating upstairs. Selectman Brazis asked if he is staying at 150 dogs. Mr. Schneider said yes. The Chair asked if he talked with the DPW Director. Mr. Schneider said he was directed to speak to the Plumbing Inspector and did. The Chair asked if the area is enclosed if he would need to go to Planning Board or Board of Appeals. The Manager said the Building Inspector would need to determine and not sure if it's an outside area now if enclosed. Their clerk said an enclosed outdoor area would fit the ad, but noted the plan submitted looks like an addition. Mr. Schneider said it is an outdoor area and described the mesh fencing.

Any to speak in favor or opposed?

Ray Schneider, owner said the change requested is for a patio and addressed the concerns and invited them to see the Boston location and hope they approve the request.

Karen Benson, 28 Walden Terrace, said she is involved in dog rescue and attended a fundraiser at the Boston location and is very impressed with the operation and how clean it is and did see the runs and said this place will have a therapy pool and that's a big thing in dog world and have talked to neighbors and they have no concerns.

Pam Arone 59 Walden Pond Ave, resident and employee and said it is clean and staff is attentive and are familiar with the runs and is here to support them.

Selectman Brazis said what he sees before him is different and said the only stumbling block is if he needs to go to Planning Board. The Chair said the Building Inspector didn't receive the plan and since March nothing has been done at the location and would probably need to go to Building Inspector, Planning Board, Board of Appeals. Selectman Mitchell said the applicant offered them to see the facility and doesn't understand the negativity judging something from a phone call. Selectman Brazis said he likes what he sees tonight and feels it is safe. Selectman Cicolini asked if it would need to be continued or if it can be approved with condition of Planning Board / Board of Appeal approval if needed. The Manager said there may be a technical issue regarding the wording in the ad for outdoor area. Their clerk clarified the S-2 is to allow the use at the location and modification needed because the outdoor area was restricted and needed to be modified to expand, if indoor no modification would be needed, the ad is fine and the Board may vote condition they receive all approvals if needed. The Manager said if it has a roof, it could be considered an addition.

Selectman Cicolini moved to approve the request of Red Dog Pet Resort & Spa, for modification of Special Permit (S-2) to allow pet care and overnight boarding to be located at 190-192 Walnut Street voted 3/2/16 BY: allowing an additional 2,100 s.f. second floor outdoor area, Assessor's Plan 1043, Lots 248 & 247 with the following conditions: plan as presented; and contingent on review by the DPW Director; and must receive approvals from the Planning Board and / or the Zoning Board of Appeals if required. The Chair added: copy of plan to be given to the Building Inspector for review and approval. The Chair seconds.

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

Selectman Brazis moved for recess. Chair seconds 5-0. Meeting recessed at 8:44 PM.

The Chair called the meeting back to order at 8:52PM.

New Business: 2017 License Renewals

Selectman Mitchell moved to renew the following Licenses for 2017 with the same conditions restrictions:

2017 All Alcoholic Common Victualer's License

99 Restaurant,	181 Broadway	Entertainment
Continental,	266 Broadway	Entertainment
Hooters,	1143 Broadway	Entertainment
Kowloon,	948 Broadway	Entertainment

2017 All Alcoholic Common Victualer's Club

Elks,	401 Main St.	Entertainment & 1 coin operated device
Fox Hill,	114 Ballard St.	Entertainment & juke box
ITAM,	1 Beachview Ave.	Entertainment & 1 coin operated device

2017 All Alcoholic Package Store

Amato's,	206 Lincoln Ave.
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2017 Class I Auto Dealer's License

York Ford	1481 Broadway
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2017 Class II Auto Dealer's License

Final Finish, 24 Rear Bennett Highway
New England Auto Sales, 19 Salem Turnpike
T.J.'s Auto, 124 Rear Ballard St.

2017 Class III Auto Dealer's License

New England Car Parts, 139 Ballard St.

2017 Taxi Cab License

Saugus Center Taxi	2 cabs	Taxi Cab License
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2017 Miscellaneous Licenses

NTB – Tire, 564 Broadway	Entertainment
Tina Jace, 624 Broadway	Fortune Telling
LA Fitness, 1450 Broadway	Entertainment & Extended Hours of Operation
Blast Fitness, 1201 Broadway	Entertainment & Extended Hours of Operation

2017 Valuable / Used Goods License

J & S Jewelry, 406 Lincoln Ave.
Gamestop, 1201 Broadway
R.J. Carr, 358 Central St, Unit B
Hannoush Jewelers, 1277 Broadway
Gamestop, 741 Broadway
Repair Palace, 1277 Broadway
Best Buy, 1201 Broadway

Chair seconds 5-0.

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Selectman Cicolini moved to renew the following Licenses for 2017 with the same conditions restrictions:

2017 Common Victualer's License

7-Eleven, 32 Hamilton St.	Extended Hours of Operation Permit
Bob's, 263 Broadway	
Boston Market , 168 Broadway	
Burger King, 720 Broadway	
Burger King, 1449 Broadway	
Dragon Island, 44 Hamilton St.	
Dunkin Donuts, 35 Lincoln Ave.	
Family Place & Pizza, 304 E Lincoln Ave,	Entertainment
IHOP, 114 Broadway	Extended Hours of Operation
Lendy's Deli, 653 Broadway	
Orange Leaf, 124 Broadway	Entertainment
Papa Gino's, 385 Broadway	1 coin operated device
Starbucks, 366 Broadway	
Stella's, 465 Essex St	
Taco Bell, 421 Broadway	
Target, 400 Lynn Fells Parkway	
Victor's, 560 Lincoln Ave	

2017 Extended Hours of Operation Permit

I Love Kickboxing, 880 Broadway
Cliftdale Santos, 2 Essex St.
Center Convenience, 307 Central St.
CVS, 1075 Broadway
Title Boxing Club, 325 Broadway
Flex Fitness, 304 Lincoln Ave.
Stop & Shop, 164 Main Street
Walgreens, 1228 Broadway
7-Eleven, 386 Lincoln Ave

Chair seconds 5-0.

Selectman Brazis moved to renew the following Licenses for 2017 with the same conditions restrictions and condition that missing documents / information is submitted:

Hilltop, 855 Broadway, All Alcohol Common Victualer's Entertainment
Oye's, 44 Broadway, All Alcohol Common Victualer's, Entertainment
Victor's, 1639 Broadway, All Alcohol Common Victualer's
Caffe' Di Calabria, 184 Broadway, Beer & Wine Common Victualer's
Melrose Fish & Game, Rear Cheever Ave., All Alcohol Common Victualer's Club
Entertainment & 1 coin operated device
Melrose Auto Body, 177 Central St., Class II Auto Dealer
Honey Baked Ham, 405 Broadway, Common Victualer's
Rozze Italian, 240 Lincoln Ave, Common Victualer's
Square One Mall, 1201 Broadway, Common Victualer's, Entertainment

and to vote to not renew Sully C's, 168 Broadway All Alcohol Common Victualer's License based on the fact there is no License to renew, the license was revoked on July 13, 2016.

Chair seconds 5-0.

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Selectman D'Eon moved to approve the renewal of the following Licenses with condition complete applications are received by December 31st:

2017 Taxi Cabs

Saugus Town Taxi	2 cabs	
Global Transportation	2 cabs	(Called / not renewing)

2017 Miscellaneous Licenses

Superior Amusements, 1201 Broadway,	2 coin operated devices
Barber Masters, 643 Broadway	Entertainment

2017 Common Victualer's License

Banana Splitz, 526 Lincoln Ave.	
Boston Bean, 1268 Broadway, Unit B	(Not opening until 2017)
Five Guys, 180 Main St.	
Golf Country, 860 Rear Broadway	Driving Range
Muscle Maker Grill, 358 Broadway	(Not opening until 2017)
Panera Bread, 647 Broadway	
Peter's Pizza, 48 Hamilton St.	
Victor's, 1539 Broadway	Entertainment
Xing Long, 467 Essex St.	Entertainment
Zinga, 621 Broadway	(CLOSED)

Chair seconds 5-0.

Manager's Report:

The Manager reported they are working on the payroll & HR module of MUNIS for January 1st.

Selectman Cicolini thanked the Manager and his team for following-up and following through on resident issues.

Member's Comments:

-Christmas / Holiday parade on Christmas Eve.

-Boy Scouts Tree/Wreath sales

-Discussion re: Saugus River Walk project on Thursday, 12/15 at 6:30 p.m. at the Fox Hill Yacht Club

Selectman Mitchell wished the Town and Board Members, Town Manager and their clerk a merry Christmas and happy holidays.

Selectman Cicolini said ditto to everyone and said the Town looks awesome.

Selectman Brazis wished his fellow Board Members, Town Manager, their clerk and all at home a merry Christmas, happy Hanukkah and happy new year and said it has been another year serving with his fellow Board Members and look forward to 2017.

Selectman D'Eon congratulated Steve McCarthy on his promotion and congratulated our newest Town Meeting Member Richard Christopher; announced Boy Scout Pack 62's Christmas Tree & wreath sales; and announced Christmas Eve parade and said there are some changes this year. The Manager said they will start from the high school and will not go through Saugus Commons because the speed bumps cause issues with the floats and because of the size of the parade.

The Chair announced the parade will start at 6pm; and announced the firefighter's toy drive; and the Town Manager and Planning Development Dept invite the public to discuss the River Walk Project at Fox Hill Yacht Club 12/15 at 6:30pm; and wished everyone merry Christmas and happy holidays and happy new year.

The Manager announced on Wednesday 12/21 there will be two public forums, one on the Clifftondale Business Study and one on the housing production plan review with MAPC.

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

Meeting adjourned at 9:14PM.
Respectfully submitted,
Wendy Reed, Clerk