

## **Board of Selectmen**

### **August 17, 2021**

Chairman Cogliano opened the meeting and led with the Pledge of Allegiance. A moment of silence was offered for the late Stephanie Girardi.

The Chair announced that the 6:00 PM Executive Session was cancelled and will meet later.

#### **CORRESPONDENCE:**

Alfredo's Owner OZ requests a name change to Good Fella' because of a name conflict with another business. Selectman Cicolini stated a name change is just a formality and moved to allow the new business name of Good Fellas. Chair seconds, motion passes 5-0.

Request for Block Party: Mr. Chis Carr, 18 Montgomery Street, appeared and presented list of neighbors in support. Selectman Panetta made a motion to grant the request for August 28, hours = 4- 8 PM. Police have no objections just to follow regulations. Chair seconds, all in favor – motion passes 5-0.

Appointments to Zoning Board of Appeals: Selectman Serino moved to appoint Stephanie Romano to the Board of Appeals a five-year appointment ending on March 31, 2026. Chair seconds: all in favor, motion passes 5-0.

Selectman Cicolini moved to appoint Attorney Peter Rossetti to the Zoning Board of Appeals, term to expire on March 31, 2023. Chair seconds motion passes 5-0. Letters of appreciation to be sent to Chris Finn and Richard Mauro for their service to the town.

Selectman Cicolini moved to re-appoint Mr. Steven Sweeney as a Parking Hearings Officer. Term through July of 2022. Chair seconds motion passes 5-0.

Constable Re-appointment: Selectman Panetta made the motion to invite Mr. Dana Prestone to the next meeting on September 7, 2021. Chair seconds, motion passes 5-0.

Selectman Panetta moved to allow the banner at the Procopio Run for Honor from September 22, 2021, to October 16, 2021, at Main and Vine Streets, waiving the bond. Chair seconds, all in favor, motion passes 5-0.

Constable appointment: Selectman Panetta made the motion to invite Richard Ianuzzi, to the September 7, 2021, meeting Chair seconds, all in favor, motion passes 5-0.

Mr. Darren Ring, 39 Ballard Street, Pct 10, 4<sup>th</sup> year with Block Party, Warren Road, will follow all restrictions. Selectman Cicolini stated this yearly event has become popular and great that neighbors get together. Selectman Cicolini moved to grant the request to conduct a block party at

Warren Road on September 4, 2021, from 10 AM to 10 PM with all the restrictions included. Chair seconds, all in favor, motion passes 5-0.

Banner Request: Mr. Bob Davis requesting permission to fly a banner on Vine and Main from September 30 to October 30 advertising a fund raiser to create an awareness of those who suffer from Multiple Sclerosis. Location of banner to be placed at Essex and School Streets. Selectman Cicolini moved to grant permission. Chair seconds, all in favor, motion passes 5-0.

Lions Club Request for canning: Attorney Peter Rossetti requests permission to conduct the semi-annual canning drive to raise funds focusing on eye research. Time 8:30 AM to 3 PM. Locations: Central Street Oct 2, locations Hamilton and Lynn Fells Police detail at Lynn Fells site with cones and taking all Covid guidelines. Chair seconds, all in favor, motion passes 4- 0. Selectman Riley abstained as she is a member of the Lions Club.

Block Party Request: Ms. Shannon DePaolo requesting a Block Party permit at 4 Mader Street, August 28, 2021, from 3 PM to 10 PM. Selectman Panetta made the motion to grant the request and requested that Lt. Connors would contact Ms. DePaolo to explain regulations. Chair seconds, all in favor, motion passes 5-0.

## **CITIZEN COMMENTS**

Ms. Susan Fleming, 326 Lincoln Avenue, addressed the board and stated that a large amount of truck traffic starts at 6 AM. "I gave Selectman Riley a list of names on the trucks. Last week they started at 6 AM until 9 Am with 50 trucks going by coming from Lynn and going through Cliftdale filled and then coming back to Lynn with empty trucks. Goes on all day long until about 3 PM."

Town Manager Crabtree stated: "The list provided by Ms. Fleming was sent over to Aggregate to have them investigate and they are now working with the police department to identify trucks. I also asked the Police Chief to assess the issues. The chief reviewed Winter Street, Hamilton Street, and Cliftdale Square area on different days and times. Lists were made on speeding but was not an issue; the trucks traveling through the streets have no restrictions. The State Police Truck Team were reluctant in taking their resources off on their patrol to investigate Saugus trucking.

The Saugus police listed their observations and correspondence by Lt Connors and was received as to what would be needed to restrict trucking on roadways. The police chief will continue to monitor, no speeding issues, but truck trafficking very heavy. They are looking to restrict roads to see what the board wants to do. Engineering studies are required, and an alternate route needs to be determined. Police are continuing to monitor and tracking and will refer to Paul Ruff with this list and discuss it with Aggregate. It looks like it's trucks in general and not specifically Aggregate which we would have some control over. I will have Aggregate review the list to see if they can identify any of the trucks, and have the police continue to observe to see if we can do something about the streets in question. It may be challenging to change routes, but we should explore that."



Selectman Riley asked the town manager about the Ballard Street restriction on trucks, and could that be done on other streets? Town Manager asked Lt. Connors to provide answers.

Lt. Connors: "I did do the research with the Massachusetts Uniform Traffic Control and Regulations. It lays out how to limit heavy traffic on specific streets. We can enforce speed limits but limiting trucks on public ways is difficult. They have as much right to use public streets as anyone else. They don't have the right to speed or operate in an unsafe manner and we do not have an answer only to follow the state guidelines in changing routes. A lot of issues to add to this."

Town Manager Crabtree stated that it would be necessary to first, identify what you are trying to solve and what plans could be done.

Selectman Cicolini stated: "The safe thing to say is they will be going on any street and if we lengthen the trip and someone would not be happy. We should watch to see if they are cutting through side streets to get to the main streets. If we restrict one, we will be putting more pressure on the other roads. The complaints are coming from our main streets."

Town Manager Crabtree stated: "Speeding is the other issue and if we could build a relationship with the truck team and come in and monitor some of the trucks for safety issues, for now."

Selectman Cicolini: I support the efforts keeping people safe, but the hard part is to cut down the trucks coming through town, and we appreciate knowing the police will enforce the speeding of trucks especially at 6 AM in the morning. It's also good to know officers will be enforcing the speeding issues."

The town manager stated he will share list with police and Aggregate – but think there may be low percentage from Aggregate.

Selectman Serino: "Thank you Lt. Connors for providing all the information – it is very helpful when we visit the Hilco issues, and I provided the manager a list a few weeks ago. I was in Salem recently and saw trucks from the Aggregate plant in Swampscott going into Saugus to fill in the quarry at the Saugus business. We once had an agreement with Aggregate and contact them."

The town manager will provide lists to Aggregate to check if their trucks are complying. The Chair accepted the letter from Ms. Fleming to the file and continue to monitor this.

#### **CONTINUED HEARINGS:**

Crumbl Cookie, for a common victualer' license to be located at 358 Broadway, Suite 358N, Saugus, MA. Ms. Jessica Giananato. "It is a huge franchise in the west coast. Saugus accessibility is exactly why we want to be here. It is a cookie factory. It's fun and new. Methuen is the only other site. Selectman Panetta asked when business would be opening and was told the end of October, with no plans for seating."



Selectman Panetta moved to close the hearing. Chair seconds. Passes 5-0. Selectman Panetta moved to grant the request with hours 8:00 AM to 10:00 PM Monday through Thursday, Friday, and Saturday 8:00 AM to 12: PM Closed Sunday. There will be no seats. Fire recommendations noted and a copy of Board of Health recommendations to be provided. Motion passes 5-0.

**Dumpling Garden:** Owner Derek Chen, 467 Essex Street request for extended hours to 2 AM every day. Selectman Panetta: I reviewed other businesses and their closing hours. Concerning about 2 AM as business near residents. Selectman Cicolini stated he would not support a 2 AM closing but would prefer a 1 AM closing. Any in favor. None. Selectman Cicolini moved to close the public hearing, chair seconds, all in favor – motion passes 5-0. Selectman Cicolini offered the following motion: Dumpling Garden, 467 Essex Street to operate Monday through Thursday, and Sunday, 11 AM to 12 AM; Friday and Saturday 11 AM to 1 AM. Chair seconds, all in favor – motion passes 5-0 with outstanding taxes to be paid.

**Brothers Garage** 8-11 Hewlett Street: Selectman Cicolini requests they continue this hearing.

**HRP Continued Hearing.** Chairman Cogliano explained that this is a permanent use already voted last year with 21 conditions and requesting a permit for operation between 2:AM and 6 AM. Attorney Magnan addressed the board and explained the need. Attorney Michael Brown, general counsel. Representative of HRP Andrew Chiset, Representative to build smaller building, cleaning site and 208 jobs; UPS to conduct job fair, improving roadway, stormwater systems, access to river walk, restoring shoreline and removing pier and offering 10-year, \$10,000 scholarship payable at \$1,000.00 per year to a deserving Saugus High School graduate.

This development will result in \$438, 000.00 in additional taxes per year. UPS representative Mark Chvie, Vice President for east region. 114 years of UPS. Traffic accesses a priority. Cameras in place for all employees traveling throughout town. No deliverers on the streets, sorting them 2AM to 6 M come to facility from Logan and loading them into vehicles – out on the streets 8:30 AM. Drivers are given best routes. Email address provided for comments from residents. Drivers will be educated – no trucks going out on the roads 2 AM and 6 AM.

Chairman Cogliano informed Mr. Chier of Section 14 in original Special Permit: Restricted trucking from using Ballard Street and enforceable by Building Inspector. 10,000 lbs. trucks, no trucks, would be using Ballard Street. Selectman Cicolini stated the 10,00 lbs. regular trucks under 10,000 not preventing commerce. Concern is maybe delivering in Lynnfield, would they cut through Saugus? “When you use 18,000 wheelers coming from Logan or other sorting facilities where will they go? UPS Rep said they will take Route 107. Northern trucks may take another route, but majority will take Route 107. Selectman Cicolini explained that a Special Permit runs with the land with no clear precedent to revoke a license. “We have enforcement with fines and police, but Special Permits run with the land. We asked for research to learn of our Special Permits are revokable. Process cumbersome and requires Town Meeting approval. I am not opposed to the 2-6 AM but want to be careful should a change in ownership might occur.”



Selectman Panetta agreed and but is concerned about enforcement. "I believe you will follow conditions. Not closing the Lynnfield site. Permit runs with the land and concerns I have concerns about future."

Selectman Serino: "I supported the development but taxes from neighbors in streets in area provide over \$1 million and deserve a peaceful life. You cannot enforce this, and I do not support 2-6 AM request. Selectman Riley agreed and also concerned about enforcement and future protection. She stated: "When trucks are coming from Logan on a holding, why are they coming in at 2 – 6 AM?" Rep of UPS stated that they require time of day to get to location, load them and deliver goods within a reasonable time.

Selectman Cogliano stated: "There are 21 conditions on the special permit already voted in 2020, and the building inspectors have all the power to take UPS into court to file an injunction to stop the practice of operating from 2 AM and 6 AM. Town Counsel has affirmed this. We will get the opinion in writing from town counsel to re-affirm our position in taking them to court.

Condition # 14 also states tractor trucks are not allowed on Ballard Street ever. This proposal is a great use of the land and I support it with 21 conditions. Knowing we can enforce this is a win for the town. We have the teeth to file for an injunction. We are looking at \$300,000 per year for taxes, approx. 208 new jobs and a cleanup of the entire area. It makes no sense to me to deny this business."

Selectman Cicolini stated: "I agree with you 99% but I want an acknowledgement from the Town. I would like to know specifically if there is a maximum of trucks coming into the terminal." Representative stated that they are now looking into four trucking coming in now, not going up to Lynnfield as we have grown out of that facility:

Selectman Cicolini stated: "I have zero problem with working from 2 6 AM but want to know how much trucking and how many operating in that time frame. We need some type of assurance from town counsel that we could file for an injunction, I would approve. Town Manager Crabtree reached out to town counsel to learn how successful any legal action would be. I will go on record to support this if there is a process to secure an injunction should there be violations of the Special Permit.

Selectman Cogliano: "Town counsel is comfortable with this but if you want to continue the hearing to get an opinion in writing for the next meeting, we can do that. Selectman Cicolini stated: asked: "If we can enforce this and if there is any breaking of the rules, we need to look into case law and how successful it was. Town Manager Crabtree said that he set up communication between town counsel and special counsel.

Attorney Magan stated that he spoke with town counsel to discuss this issue and was told that action could be brought against the company through the building inspector with fines as well and could get an injunction in court.

Selectman Cicolini stated that the request requires four votes but if it fails, the petitioner would not be able to come back for two years. Attorney Mike Scott, of HRF stated that he dealt with this situation many times. There is injunction relief in court. If that happens, a contempt of court, there will be no mystery and a judge will be involved who could issue relief. Mr. Scott: "I have never had that come to me before. If we are clearly in violations, you are clearly have the right to an injunction."

Selectman Cicolini: "Your business is top notch and if all deliveries would go through Route 107, not through Ballard Street, would have no issue."

### **Public Hearings:**

7:15 PM: Carmaleno LLC d/b/a Pushcart Restaurant, 331 Main Street, Saugus, MA for an All-Alcoholic Liquor License. Chairman Cogliano stated that this business already applied for one of the three licenses we have. We will not be voting on it tonight, but they are here to present their case.

Attorney Nelson Chang, 47 Jackson Street, Saugus, MA: "Mr. and Mrs. Rocco, are Saugus residents and owners of the Pushcart since 2009. The business currently holds a beer, wine and cordial license but are seeking all alcoholic liquor license. We have come before the board at one time but have not been able to obtain one. Many customers have asked for a full liquor license and a petition of 50 was presented to the board. Many customers who signed, come from other surrounding communities because of the close location. In granting this license there would be very little impact on other businesses in town. As the business is up and operating, the proposed license would become active immediately once being approved. There have been no violations in the many years of operation.

Selectmen Panetta and Cogliano both complimented the Pushcart for their delicious food. You are a deserving party, and the deadline is August 30 and will be entertaining a decision on September 7, 2021, to grant one or two. We will continue this until the meeting on September 7, 2021. Selectman Serino asked how many seats? Mr. Chang stated there are 68 and stated they do a great job. Selectman Cicolini made the motion to continue the hearing until September 7, chair seconds, all in favor – motion passes 5-0.

Selectman Panetta: "We have three licenses available, holding two for Clifftondale and petitioning the state for three more and holding some for Route One. Not sure if its up for discussion now or the next time we meet. We have not discussed this and asked if the board will wait until more applications come in and then discuss it?"

Selectman Cogliano stated: Whatever the board decides in which is fine by me. If there are no other applicants, I am ready to move forward with what we have. I did speak with State Representative Donald Wong and ABCC representative Ralph Sacramone who said he didn't think there would be a problem if there were locations. To hold them for Clifftondale Square, we would need a specific location to hold the license for. I would love it if one to go to Clifftondale.



We are not close enough development wise, I am not in favor of holding two, but I am in favor of one for Cliftondale, but this is just my opinion as it's up to the board."

Selectman Cicolini: "There is a ton of pocket licenses out there already that will be available for sale; Apex is not coming, Long Horn, La Vita Mia, Midwest Grill all closed. There is an abundance of licenses available should drive the prices down and affordable. If there is a way to stimulate business because of Covid, I am all for it."

Selectman Panetta: "As a board, do we write a letter to Representative Wong?" Selectman Cogliano stated he thought it was great idea, but a specific location is necessary before we can apply. Selectman Panetta: "Another thought, there was supposed to be a hotel going there on Route One. Selectman Cogliano: "Yes, at Essex Landing and I am confident the developer could purchase one of those out there."

Selectman Panetta stated that she just wanted to know what the board was thinking. Any comments from the board? Selectman Cogliano: "I personally think that the licenses we have that are available for short money should go to a business that has made a go of it for many years. Corporate businesses coming to town have plenty of money to purchase one of the licenses that are for sale. It was determined that the Pushcart came before the board three times."

Selectman Riley: "Is the Pushcart just one, as Shyo, and King Crab approached the board previously." Again, Selectman Cogliano stated that he felt licenses should go to businesses that have been in Saugus for many years."

Selectman Cicolini: "If we issue a license for the annual fee of \$5,000.00 can we condition it that if they sell it within a period of time, they have to turn it back in?" Town Manager Crabtree: "We looked into this when I was on the board. You can't do it, sell it for more or conduct an auction. You cannot condition it as they have an ownership – a license. Selectman Cicolini stated that someone can obtain a license and then turn around and sell it. Selectman Cogliano stated that is his one big reason for awarding a liquor license to a business that has been in town for a long time. Town Manager stated that, oftentimes, the liquor license is more valuable than the business in Saugus.

Selectman Panetta expressed concern as so many licenses are out there and we do not know where they are. Selectman Cicolini stated that he wondered if a license failed to pay the yearly licensing fee – we could, maybe have another one.

7:30 PM: Maddy's Place, LLC, located at 1639 Broadway for a Special Permit (S-2) to allow two four story buildings to exceed 55' in height. Attorney Richard Magnan, 194 Central Street, Saugus, MA addressed the board: Height more than zoning regulations allowed. Mr. Bobby Wong principal, and Mr. Michael McQuade architect.

Attorney Magnan: "It will be a mixed use in front. There will be an Italian Steakhouse Restaurant on the first floor and four stories of one-bedroom apartments. The rooftop bistro will

be an outdoor facility. That building will have 20 one-bedroom apartments. The second building further up will have 54 one-bedroom apartments. The height of the first building will be 67 feet, 8 inches and the second one 66 feet. Both six stories. Zoning by-law that applies falls under the prior 2015 zoning amendment that allows four stories of 55 feet. Since amended again to reduce it to three stories of 40 feet. The approval of the subdivision plan freezing the zoning back to the 2015 amendment. Asking for the maximum which will be two additional stories, approx. 12 feet in one case and 14 feet of the other. Applicant needs to get approval from the Board before he goes any further.

Selectman Cogliano asked what the existing building height is now at Essex Landing? The board passed an S-2 increase in the height on three apartment buildings in anticipation of a hotel which looks questionable now. Attorney Magnan: "We came in to increase the height of the three apartment buildings. Six stories 67 feet .2 inches in height, about the same."

Selectman Serino asked about the height of the buildings and was told 67 feet 8 inches for one 66 feet for the other building and requested a certified plot plan of each building as the developer has eight years to build and stated he had no problem with the height. 54 and 20 buildings in the unit.

Selectman Panetta: "We did not get much detail or information for us to review. A parapet on top needed five to six feet depending on utilities on top of the roof. How is this connected with Essex Landing, the egress and exits? Also concerned with changes on the street traffic: "I would like to take a site visit to see exactly where things are going to be laid out. Please explain Essex Landing and the hotel."

Attorney Magnan was doubtful about the hotel due the change in finances. He does not know what is going there and we need to get detailed plans, apply to the Planning Board, site plan review, traffic issues, state needs to approve. Initially we go before DCPR group of all department heads for approvals.

Selectman Cicolini: I will support it the way it's proposed be it's a difficult location. Given the height being consistent like Collins Avenue. Would like to see plot plan but not necessary. Selectman Riley stated she will take a site visit. Selectman Cogliano questioned what they would see. "I don't need a visit. I do not want to hold up the project. I am comfortable moving on."

Selectman Riley agreed with Selectman Panetta said she just wanted to view the connection between Essex Landing and the Maddy's project.

Selectman Cogliano inquired as to what they want to see. "There is nothing there. This project resembles Revere Beach. Restaurants on the first floor then apartments. I agree with the plot plan, and I do not want to hold up the process. Mr. Toccette has done a good job. I am comfortable moving on with the height limit."



Selectman Panetta said she cannot visualize where apartments will be situated. Selectman Cicolini suggested the board review the physical plans that were available at the meeting. All selectmen viewed the drawings presented at the meeting.

Any questions from the board – anyone from the audience for comments - none. Selectman Cicolini moved to close hearing. Chair seconds, all in favor – motion passes 5-0. Selectman Cicolini made the motion to grant the request of Maddy's LLC, 1639 Broadway, Saugus, MA for a Special (S-2) permit to allow two buildings exceeding the 55 feet height restriction. The first building height will be 67 feet, 8 inches and second building 66 feet in height. Each building will contain six stories; one building 20 units of one-bedroom apartments and the second one permitted of 54 units of one-bedroom apartments as described on the plot plan. Selectman Serino as that a certified plot plan be presented to the board within seven days. Town Manager Crabtree stated the board votes on the height request as the parapets are different issue. Roll call vote: All five voted in the affirmative. 5-0.

**7:45 PM: ASJ Group, Inc., d/b/a Orange Leaf, for a transfer of the common victualer's license from Aman Gevorgyan to Adi Jafarzade.** Business located at Augustine's Plaza, 124 Broadway, Saugus, MA 01906.

Selectman Riley excused herself from the meeting as she had a previous engagement.

Mr. Jafarzade appeared before the board who is taking over Saugus location. Start September 1, 2021. Need license to open. Floor plan provided and certificate regarding food. Selectman Panetta asked if everything would be the same – same seats, same hours, everything the same? Mr. Jafarzade stated he is taking over the business as is and will continue the same way. He stated, "We have signed all the paperwork. In the future, I would like to increase the hours from 7 AM to 11 PM. and add coffee and donuts tonight." Selectman Cicolini asked if he wanted to add coffee and donuts now and Mr. Jafarzade said yes.

Selectman Cicolini: "I recommend tonight for a change of hours; another hearing would need to be scheduled. I suggest we vote on the transfer tonight and then he can come back on September and ask for coffee, donuts, and a change of hours. Selectman Cicolini offered the motion to close the hearing, chair seconds, all in favor, motion passes 4-0. Selectman Cicolini made the motion to grant the request of Orange Leaf to transfer of common victualer's license to same hours of 11 AM – 11 PM seven days a week, chair seconds, all in favor, motion passes 4-0.

Selectman Cicolini offered a motion to continue the hearing for Jersey Mikes until the next meeting on September 7, 2021; chair seconds, motion passes 4-0.

#### **OLD BUSINESS:**

**TOWN MANAGER REPORT:** Covid report 57 new cases, 0 new deaths 74 increasing delta is being watched. There has been documented source, breakthrough cases, had vaccines and testing positive.

DEP DEPH issued standard guidelines and met with health director to work on a plan. Schools looking at testing implemented the State. Less impact. 'Stop the Spread' testing extended to October 31, 2021 and will continue until there is no demand. Schools require testing. Third Fire Station meeting, trying to connect for meeting in September – maybe a zoom presentation and move forward.

Tot Lot - DPW looked at it – suggested those who looked at it is concerned about safety. Will engage with town meeting members and survey the neighborhood as to support and other parks may need updates. Stadium field and PMA are waiting for a sign off. Changes were made and was told the athlete director had concerns for practicing but would go through Youth and Rec Department. DPW and everyone involved to move forward with scheduling. Not every team will be able to practice at the field. Youth groups want to play there as well. Signoff and figure out hours of operation as well.

Selectman Cogliano inquired about signage in the neighborhood. "We voted to put signs and asked about parking in the back. TM signage needed to be sent to manager and send it off to Scott and DPW. Board to generate memo.

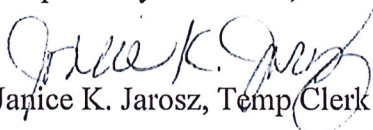
Town Manager Crabtree reported a sink hole at middle / high school, upper parking lot, that is a situation of a water filtration system underneath the parking lot that holds the water. Manufacturer, installers, and engineers to look at it as to who is responsible. Town is not responsible and looking for a solution and need to replace all sections to insure it is corrected before the winter or spring.

Approval of Minutes: Feb 23, passes 4-0.

**MEMBERS COMMENTS:** Selectman Panetta stated that she and Selectman Riley will be meeting with SCTV board members to review the 5-year contract and will report back to the selectmen on the September 7, 2021, board members.

Selectman moved to adjourn – vote 5-0. 10:05.

Respectfully submitted,

  
Janice K. Jarosz, Temp Clerk