

Saugus Board of Selectmen  
June 9, 2020

MEETING MINUTES

AGENDA  
Saugus Board of Selectmen

June 9, 2020 at 6:00 PM

Zoom Meeting ID: 820 9201 6689 Password: 206201

<https://us02web.zoom.us/j/82092016689?pwd=OTZ6RUVxcINjM2RadlQ4aHFpR3VSZz09>

Click the link or copy & paste in your browser or call: (857) 246-1305

Call to order.

Correspondence:

- 1.) Hooters re: request for temporary modification for outdoor seating & outdoor entertainment
- 2.) 110 Grill re: request for temporary modification of outdoor seating & outdoor entertainment
- 3.) Fuddrucker's re: request for temporary modification for outdoor seating & outdoor entertainment
- 4.) Hammersmith Restaurant re: request for temporary modification for outdoor seating.
- 5.) 99 Restaurant re: request for temporary modification for outdoor seating & outdoor entertainment

Citizen's Comments

Continued Hearings:

Saugus Auto Repair, Inc., for Special Permit (S-2) to allow storage of vehicles for sale, to be located at 74 Hamilton Street, Assessor's Plan 1008, Lot A-134

Application is also made for Class II Auto Dealer's License at 74 Hamilton Street.

Public Hearings: 0

Old Business: -Annual Town Meeting discussion on date & location / potential vote

New Business: 0

Manager's Report: 0

Approval of minutes: 0

Appointments: 0

Member's Comments: Selectman Riley re: update on the Town website information.

Citizen's Comments

Saugus Board of Selectmen  
June 9, 2020

The Saugus Board of Selectmen met on June 9, 2020 at 6:00 PM via video conference. Present were: Selectmen Jeffrey Cicolini, Debra Panetta, Corinne Riley, Michael Serino and the Chairman Anthony Cogliano.

Correspondence:

1.) Hooters re: request for temporary modification for outdoor seating & outdoor entertainment

Colin Parker was present on video conference and explained request for area with 20 tables and understands public safety's preference to move the proposed area next to the building and described the 20' x 40' area with vehicle barricades. Selectman Panetta asked hours. Mr. Parker said Monday through Thursday 11 am to 12 midnight, Friday & Saturday 11 am to 1 am and Sunday 12 noon to 10 pm. Selectman Panetta asked if they are anticipating using a tent. Mr. Parker said yes. Selectman Panetta said the Board will review on July 14<sup>th</sup> and asked what hours would look like. Mr. Parker said initially they will open 12 noon to 9 pm and adjust as business dictates. Selectman Panetta asked about entertainment. Mr. Parker said only pre-recorded music. Selectman Cicolini thanked him for revising the plan and said there are predetermined conditions and read. Mr. Parker said he did see them. Selectman Cicolini said since the plan has been revised, approval would be contingent on police & fire approval. Mr. Parker said he has an insurance binder on file. Selectman Cicolini asked if they will be clearing any land. Mr. Parker said no and described the area. Selectman Cicolini asked number of tables. Mr. Parker said 20 with no more than 6 seats each. Selectman Riley noted they were the first chain restaurant before them and asked how they are doing in other states. Mr. Parker said he describes Florida opening as a "honeymoon" as they did very well.

Selectman Cicolini moved to approve the request with limited entertainment of background music; hours 12 noon to 10 pm; 20 tables; 2 tents; emergency exits from the main building be kept clear; if tents are used a flammability certificate be obtained, all establishments requesting tents that no heaters of any type be under the tent; fire extinguishers be properly placed; adequate protection from vehicle traffic be provided i.e. Jersey Barriers; Fire Department walk through; and when the building can be occupied again the temporary seating be removed. Selectman Panetta added: To review on July 14, 2020 and every 30 days thereafter. Chair seconds 5-0.

The Chair said if they want to change entertainment to please contact the Board. Mr. Parker said he would like to parody hours of everyone else. The Chair said he thinks it's in line, but if it doesn't work to please contact the Board. Selectman Cicolini said he's ok with Friday & Saturday 10 or 11pm. Lt. Connors said there's limited residential and shouldn't be a problem. Selectman Serino said he's not opposed to 12 midnight.

Selectman Cicolini moved to amend his motion to hours of operation of 11am to 10 pm and on Friday & Saturday 11 am to 12 midnight. Chair seconds 5-0.

2.) 110 Grill re: request for temporary modification of outdoor seating & outdoor entertainment

The Chair said he will call applicant because he was unable to log on and called. Rene Lachapelle was present by phone and described proposed outdoor seating by reducing the number of seats in existing patio area to meet the guidelines and putting 6 tables with 2 seats in front and he met with police and it is ADA compliant and met with health dept. and fire wants jersey barriers and said the landlord wants to be sure all is ok before approving. Selectman Cicolini asked if the landlord was ok with jersey barriers. Mr. Lachapelle said the landlord wants him to seek approval from the town before he ok's it. Selectman Panetta asked if he heard standard conditions. Mr. Lachapelle said yes. Selectman Panetta asked hours. Mr. Lachapelle said he'd like to be open until 9pm and Friday & Saturday until 11pm. Selectman Serino suggested 11pm closing 7 days a week and asked about entertainment. Mr. Lachapelle said maybe live entertainment 1 day a week. Selectman Cicolini moved to grant the request subject to standard conditions: emergency exits from the main building be kept clear; if tents are used a flammability certificate be obtained, all establishments requesting tents that no heaters of any type be under the tent; fire extinguishers be properly placed; adequate protection from vehicle traffic be provided i.e. Jersey Barriers; Fire Department walk through; and when the building can be occupied again the temporary seating be

Saugus Board of Selectmen  
June 9, 2020

removed; to review on July 14, 2020 and every 30 days thereafter; hours 7 days a week 11 am to 11 pm; entertainment of background music; and subject to landlord approval. Chair seconds 5-0.

3.) Fuddrucker's re: request for temporary modification for outdoor seating & outdoor entertainment

Applicant was not present.

The Chair said he talked with the Manager about issuing permits. The Manager said he was trying to streamline the process and the Board can give him the authority to issue the permits with preset conditions. The Chair said he doesn't want to hold up any businesses and has no problem delegating that authority. Selectman Riley asked if applications would come through the Selectmen's Office. The Manager said yes. The Chair said the Board would review in July. Selectman Serino said he needs time to think about it and can discuss at next meeting. Selectman Panetta said she spoke to their clerk and asked about the number of requests. Their clerk said the ABCC requires they vote and issue a license on alcohol licenses. The Chair asked if applicant was aware of the meeting. Their clerk said yes, but there may be some mix up due to this meeting starting at 6pm rather than the usual 7pm.

Selectman Panetta moved to table. Chair seconds 5-0.

4.) Hammersmith Restaurant re: request for temporary modification for outdoor seating.

Owner Peter Politis was on video conference and described 20' x 60' area barriers and would like limited hours of 7am to 8 pm. Selectman Cicolini asked about Saturday & Sunday. Mr. Politis said only open for breakfast and close at 1pm. Selectman Panetta asked about entertainment. Mr. Politis said maybe some wireless speakers for background music.

Selectman Cicolini moved to grant the request approval for a 20' x 60' outdoor area with ten tables and hours 7 am to 8pm and Saturday & Sunday 7 am to 1 pm with standard conditions: emergency exits from the main building be kept clear; if tents are used a flammability certificate be obtained, all establishments requesting tents that no heaters of any type be under the tent; fire extinguishers be properly placed; adequate protection from vehicle traffic be provided i.e. Jersey Barriers; Fire Department walk through; and when the building can be occupied again the temporary seating be removed; and entertainment for background music. Chair seconds 5-0.

5.) 99 Restaurant re: request for temporary modification for outdoor seating & outdoor entertainment

Joan Baldassari was present on video conference and described outdoor area with tables and umbrellas and said after inspection they were requested to put a 3<sup>rd</sup> barrier and would like to be open 11am to 9 pm and on Thursday, Friday & Saturday from 11 am to 9 pm. Selectman Cicolini suggest 11am to 9 pm 7 days a week and asked how many tables. Ms. Baldassari said 10. Selectman Panetta asked about entertainment. Ms. Baldassari said none.

Selectman Panetta moved to grant request with hours 11 am to 9 pm 7 days a week; 10 tables with no more than 6 seats each; 3 jersey barriers; no entertainment; standard conditions: emergency exits from the main building be kept clear; if tents are used a flammability certificate be obtained, all establishments requesting tents that no heaters of any type be under the tent; fire extinguishers be properly placed; adequate protection from vehicle traffic be provided i.e. Jersey Barriers; Fire Department walk through; and when the building can be occupied again the temporary seating be removed and to review on July 14, 2020 and every 30 days thereafter. Selectman Cicolini asked to include background music. Selectman Panetta amended her motion to include background music. Chair seconds 4-0 with 1 abstention by Selectman Riley. Selectman Riley said she has an immediate family member that works for the 99.

Citizen's Comments     None.

Continued Hearings:

Saugus Auto Repair, Inc., for Special Permit (S-2) to allow storage of vehicles for sale, to be located at 74 Hamilton Street, Assessor's Plan 1008, Lot A-134  
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Saugus Board of Selectmen  
June 9, 2020

Attorney Richard Magnan was on video conference with applicant Zalam Daaboul and explained the hearing was continued to revise the plan and explained and said originally he applied for 5 vehicles and they have modified to three with hours of operation Monday through Saturday 8am to 6pm and said a site visit was held. The Chair said at the site visit they discussed car carriers and said if approved they would have to abide by the hours granted. Selectman Cicolini said he thought they were opening later on Saturdays. Selectman Panetta said they said 10am on Saturday. Selectman Serino added no Sunday hours. Selectman Panetta asked the final outcome regarding the shed. Atty. Magnan said they were removing it to make 2 spaces. Selectman Cicolini said the area to the right was not to be touched. The Chair said moving the dumpster allowed for the 2 spaces. Atty. Magnan said he will revise the plan. Selectman Serino said the 2 spaces allowed are illegal. The Chair said there's no need to take shed down. Selectman Serino said he agreed to take it down. Mr. Daabuol said he will move it. Selectman Riley said she thought he was to put a fence. Selectman Panetta said they said no parking on side streets and they discussed that the stairs should be up to code and said residents would like the "open" sign shut when they close and dumpsters closed and no debris around dumpster and no car carriers after 6pm. Selectman Cicolini said he has a desire to maintain the property but this is all contingent on him purchasing it and think they can get a sign P&S in the next 2-3 weeks. Selectman Serino suggested continuing the hearing to have it in writing. The Chair said it could be voted as a condition. Selectman Serino asked the Manager if that's legal. The Manager said probably issue S-2 and condition the License. Atty. Magnan said condition based on property transfer was discussed. Selectman Panetta said if granted there would be 5 dealerships on Hamilton Street and said now there are more than 10 cars on the lot and asked how they will transition. Selectman Cicolini said the business is grandfathered with no conditions and by entering into an agreement we get the benefit of no more than 10 vehicles, set hours of operation and the applicant has expressed desire to clean-up and maintain the property. Selectman Serino said he was on the Board when Polo Gas came and it was voted against, but several years later a new Board granted it, so it's better off with restrictions and asked there be no deliveries outside hours of operation and said he understands a car could breakdown and could be dropped off there for repairs. Selectman Riley thanked the neighbors and petitioner and hoped they can continue to have an open dialogue. Selectman Panetta said she spent the weekend talking to neighbors and there's still opposition. Any to speak in favor or in opposition?

Rick Smith was on video conference and thanked the Board and thanked Selectman Panetta for her time over this issue and asked once he purchases the property, what improvements does he intend to do. Mr. Daabuol said to do the outside first. The Chair asked if there was anything specific he was looking for. Mr. Smith said a well maintained and professional looking property, a clean & tidy place and said a License is a privilege and any conditions voted, if violate them asked what could happen. The Chair said the License could be revoked. Mr. Smith recommended the Board condition a site visit in 90 days. Selectman Panetta said an S-2 is permanent and non-revocable. The Chair the selling of used cars can be revoked.

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

Selectman Serino moved to grant the request of Saugus Auto Repair, Inc., for Special Permit (S-2) to allow storage of vehicles for sale, to be located at 74 Hamilton Street, Assessor's Plan 1008, Lot A-134 and Class II Auto Dealer's License at 74 Hamilton Street with the following conditions: Hours of operation: Monday through Friday 8 am to 6:00 pm, Saturday 10:00 am to 6:00 pm; No Sunday hours. Delivery hours: No deliveries of parts outside of business hours of operation; No multi car deliveries outside of business hours; deliveries will be allowed for only one vehicle for repair outside business hours; a total of ten vehicles will be allowed on the property per latest certified plan described as: F-Gasoline and Oil Stations, Garages for Storage and repairs, Auto Showrooms and Lots, which was submitted by the applicant and prepared by Engineering Alliance."; three vehicles for sale & seven for repair business including employee parking; No off street parking may be used on operation of the business per police dept. recommendation dated 5/13/20; No junk vehicles on the property; all vehicles, parts & equipment must be stored inside the building – nothing may be stored outside the building; No major repair work or auto body work will be allowed on the property; all minor vehicle repair work shall

Saugus Board of Selectmen  
June 9, 2020

be performed inside the building; the property must meet all requirements of the police, fire and Inspectional Services Dept.; and changes / modifications of conditions require Selectmen approval; approval subject to the property being transferred to Mr. Zalam Daaboul within ninety (90) days of the Boards vote to grant on June 9, 2020. Selectman Panetta added without objection the following conditions: the stairs to be brought up to code; dumpster to be kept closed and clean of debris; parking spaces to be outlined; "open" sign to be shut off when closed; and landscaping to include the island. Chair seconds.

S-2 Roll Call Vote: Selectman Cicolini, yes; Selectman Panetta, no; Selectman Riley, yes; Selectman Serino, yes; Selectman Cogliano, yes.

Vote on Class II Auto Dealer's License passed 4-1 with Selectman Panetta voting in opposition.

Selectman Panetta moved to take correspondence # 3 off the table. Chair seconds 5-0.

Correspondence:

3.) Fuddrucker's re: request for temporary modification for outdoor seating & outdoor entertainment

James Boland, owner was present on video conference and described 2 proposed areas labeled "A" & "B" and said the police & fire have been by. Selectman Panetta said area A has 24 seats and area B has 20 seats. Mr. Boland said he's not sure how many he can put with 6' distancing but would like to include some 2 seaters. Selectman Panetta asked hours. Mr. Boland said they are now closed but were open from 11am to 10pm. Selectman Cicolini recommended his current hours so there's flexibility and Board Members agreed. Selectman Panetta asked about entertainment. Mr. Boland said just piped in music. Selectman Panetta asked Lt. Connors if they were fine with both areas. Lt. Connors was present on video conference and said yes as long as they maintain ADA compliance on the sidewalk.

Selectman Panetta moved to grant the request of entertainment limited to piped in music; hours of operations 7 days a week 11 am to 10 pm; area A with 24 seats and area B with 20 seats and standard conditions: emergency exits from the main building be kept clear; if tents are used a flammability certificate be obtained, all establishments requesting tents that no heaters of any type be under the tent; fire extinguishers be properly placed; adequate protection from vehicle traffic be provided i.e. Jersey Barriers; Fire Department walk through; and when the building can be occupied again the temporary seating be removed and a review on July 14, 2020 and every 30 days thereafter. Chair seconds 5-0.

Old Business:

-Annual Town Meeting discussion on date & location / potential vote

The Manager said legislation has come out with orders allowing some flexibility in allowing Town Meetings and had a conference call with the Chair, the Moderator, Town Counsel and the Finance Director and would like to get financials out of the way and push other articles to a later date.

Town Manager's Report:

- gave update on COVID-19 numbers;
- announced a kick-off meeting was held on the Western Avenue water project;
- reported brush cutting will start a week from Monday; and
- reported high school mitigation is done and demo to start tomorrow.

Member's Comments: Selectman Riley re: update on the Town website information.

Selectman Riley said the Town website has been updated and thanked the Health Dept. and said the resource information provided by the State, The Manager said it's a work in progress and will continue to update it.

Selectman Cicolini left the meeting at 7:50 PM.

The Chair said Selectman Cicolini had another meeting to attend and had to leave.

Selectman Panetta congratulated the SBEC Unsung Hero Award recipients and read their names and recognized 3 SBEC Members that will not be extending their terms and thanked them; said it was sad

Saugus Board of Selectmen  
June 9, 2020

to see Tumble Inn Diner closing and wished them the best of luck; announced food drive on 6/20/20 at the Senior Center; and asked if there's any update on the grant. The Manager said it's too early.

Selectman Serino presented Articles for the Annual Town Meeting.

Selectman Serino moved to insert his Articles into the Annual Town Meeting Warrant. Chair seconds 4-0.

Selectman Serino moved to insert 2 Articles submitted by Peter Rossetti into the Annual Town Meeting Warrant. Chair seconds 4-0.

The Chair announced there will be a meeting of the Conservation Commission regarding the proposed veterans housing and said there is a lot of concern from the residents and will try to put a meeting together with developer and neighbors to better understand the plan. Selectman Serino asked who's putting the project forward and who sent letters to neighbors. The Manager said there's a statutory requirement to notify abutters and pointed out the developer has filed under the Dover Amendment allowing them to circumvent local zoning requirements, almost like a 40B.

The Chair said he received an e-mail with a picture of a 1983 SHS cheerleader and someone thought a family member was in black face, but he called the individual and explained in 1983 his wife was a SHS cheerleader and they painted their faces red and dressed like Indians as a Thanksgiving tradition and said he spoke to two different groups that wanted to do a demonstration and he thought he would try to combine them but one group did not want to and said they are fine, young adults and hope all keep it peaceful.

Selectman Panetta moved to adjourn. Chair seconds 4-0.  
Meeting adjourned at 8:10 PM.

Respectfully submitted,  
Wendy Reed, Clerk