



OFFICE OF THE  
**BOARD OF SELECTMEN**  
**TOWN OF MAYNARD**

MUNICIPAL BUILDING  
195 MAIN STREET

MAYNARD, MASSACHUSETTS 01754

Tel: 978-897-1301 Fax: 978-897-8457

**Selectmen's  
Meeting Minutes  
Tuesday, August 20, 2015  
Room 201, Town Hall  
Time: 6:30 pm**

**Present: Chairman, Chris DiSilva, Clerk, Jason Kreil, Selectman David Gavin, Selectman Tim Egan, Town Administrator Kevin Sweet, Assistant Town Administrator Andrew Scribner-MacLean and Administrative Assistant Becky Mosca. Absent: Selectman Terrence Donovan, Legal: Sarah Bellino, Blatman, Bobrowski & Mead, LLC.**

**(This public meeting was recorded).**

**1. Rail Trail Vote on Order of Taking by Eminent Domain (20 minutes)**

**A motion made by Selectman DiSilva** I hereby open the hearing for the Taking of one (1) Permanent Rail Trail Easement and one (1) Temporary Construction Easement as authorized by Article 5 of the October 2014 Special Town Meeting for the following property:

**174 Main Street – Assessors' Map 19, Lot 273 :**

Owned by Vincent Dinh & Bing Zou, of 54 Salem Street Winchester, MA 01890

I hereby move that the Board of Selectmen adopt an Order of Taking for:

A Permanent Rail Trail Easement in a portion of the property located at 174 Main Street, Maynard, MA, shown on the Maynard Assessors' Map as Map 19, Lot 273 and more particularly described in a deed recorded on November 14, 2014, in the Southern Middlesex Registry of Deeds at Book 64506, Page 429. The Permanent Easement is shown as "M-E-3, Vincent Dinh and Bing Zou, Area About 1,185 S.F." on a plan entitled "Easement Location in the Town of Maynard, Prepared for Vincent Dinh and Bing Zou" dated June 24, 2015 and prepared by Greenman-Pedersen, Inc.

AND:

A Temporary Rail Trail Construction Easement in a portion of the property located at 174 Main Street, Maynard, MA, shown on the Maynard Assessors'

Map as Map 19, Lot 273. The Temporary Rail Trail Construction Easement is shown as “M-TE-5, Vincent Dinh and Bing Zou, Area About 413 S.F.” on a plan entitled “Easement Location in the Town of Maynard, Prepared for Vincent Dinh and Bing Zou” dated June 24, 2015 and prepared by Greenman-Pedersen, Inc.

The Board of Selectmen adopts this Order, the purpose of which is for public bike path purposes, as that term is defined by M.G.L. c 90E, §1, including but not limited to, establishing, constructing, operating, maintaining, repairing, and the right to pass and repass on foot and non-motorized vehicles upon a multi-use rail trail/bicycle path for open space and recreation purposes and all other purposes for which rail trails are now or hereafter may be used in the Commonwealth and to make any and all reasonable use of the premises incidental to such use over the following described permanent and temporary easements.

Should the Town’s use of the Easement Areas for the aforesaid purposes result in damage thereto, the Town’s sole responsibility is to restore the same as nearly as practical to its condition immediately prior to said damage; provided, however, that in the event improvements are made to the Easement Areas, whether consistent or inconsistent with the foregoing, the Town shall not be required to replace the same with other than grass, reasonable and normal landscaping, as the case may be.

And further that the Board of Selectmen moves to award damages in the amount of Eleven Thousand, Seven Hundred Fifteen Dollars (\$11,715.00) in accordance with the appraisal report dated May 2015, and prepared by Avery Associates, and to execute and send any and all necessary notice to interested parties.

Second: Selectman Gavin

Comments: DG; can we have an explanation for how we arrived at the values of properties: SB, we had (2) firms prepared assess property values for the Town. Linda Hanson from conscom reached out to all abutters with an offer for the assessed value. Owners understand that the town can still do this taking which we able to do for this purpose.

Vote:	In favor	Opposed	Abstain	Absent
Donovan	<u>   </u>	<u>   </u>	<u>   </u>	<u>  X  </u>
Kreil	<u>  X  </u>	<u>   </u>	<u>   </u>	<u>   </u>
Gavin	<u>  X  </u>	<u>   </u>	<u>   </u>	<u>   </u>
Egan	<u>  X  </u>	<u>   </u>	<u>   </u>	<u>   </u>
DiSilva	<u>  X  </u>	<u>   </u>	<u>   </u>	<u>   </u>

**A motion was made by Selectman DiSilva** I hereby open the public hearing for the Taking of one (1) Permanent Rail Trail Easement as authorized by Article 5 of the October 27, 2014 Special Town Meeting for the following property

**143 Main Street – Assessors’ Map 14, Lot 142** owned by : Mass Postal Holdings, LLC  
c/o Incorp Services, Inc.  
10 Milk Street, Suite 1055  
Boston, MA 02108

I move that the Board of Selectmen adopt an Order of Taking for:

A Permanent Rail Trail Easement in a portion of the property located at 143 Main Street, Maynard, MA, shown on the Maynard Assessors’ Map as Map 14, Lot 142 and more particularly described in a deed recorded on November 30, 2007, in the Southern Middlesex Registry of Deeds at Book 50414, Page 387. The Permanent Easement is shown as “M-E-21, Mass Postal Holdings, LLC, Area About 585 S.F.” on a plan entitled “Easement Location in the Town of Maynard Prepared for Mass Postal Holdings, LLC” dated June 24, 2015 and prepared by Greenman-Pedersen, Inc.

The Board of Selectmen adopts this Order, the purpose of which is for public bike path purposes, as that term is defined by M.G.L. c 90E, §1, including but not limited to, establishing, constructing, operating, maintaining, repairing, and the right to pass and repass on foot and non-motorized vehicles upon a multi-use rail trail/bicycle path for open space and recreation purposes and all other purposes for which rail trails are now or hereafter may be used in the Commonwealth and to make any and all reasonable use of the premises incidental to such use over the following described permanent and temporary easements.

Should the Town’s use of the Easement Area for the aforesaid purposes result in damage thereto, the Town’s sole responsibility is to restore the same as nearly as practical to its condition immediately prior to said damage; provided, however, that in the event improvements are made to the Easement Area, whether consistent or inconsistent with the foregoing, the Town shall not be required to replace the same with other than grass, reasonable and normal landscaping, as the case may be. And further that the Board of Selectmen moves to award damages in the amount of Fifteen Thousand Two Hundred Dollars (\$15,200.00) in accordance with the appraisal report dated May 2015, and prepared by Avery Associates, and to execute any and all necessary notices to interested parties.

Second: Selectman Gavin

JK; Clarification, are we taking property from the Federal Government? It’s leased property. TA Sweet the Post Office doesn’t own any property.

Vote:	In favor	Opposed	Abstain	Absent
Donovan	—	—	—	<u>X</u>
Kreil	<u>X</u>	—	—	—

Gavin	<u>  X  </u>	<u>    </u>	<u>    </u>	<u>    </u>
Egan	<u>  X  </u>	<u>    </u>	<u>    </u>	<u>    </u>
DiSilva	<u>  X  </u>	<u>    </u>	<u>    </u>	<u>    </u>

**A motion was made by Selectman DiSilva** I hereby open the hearing for the Taking of one (1) Temporary Rail Trail Construction Easement and one (1) Permanent Easement as authorized by Article 5 of the October 2014 Special Town Meeting in the following property:

**9A Euclid Ave. – Assessors’ Map 14, Parcel 91 :**

The property is owned by Susan and Harold Shaw

Motion to approve as follows:

That the Board of Selectmen adopt an Order of Taking for:

A Temporary Rail Trail Construction Easement in a portion of the property located at 9A Euclid Ave., Maynard, MA, shown on the Maynard Assessors’ Map as Map 14, Lot 91 and more particularly described in a deed recorded on July 17, 2003, in the Southern Middlesex Registry of Deeds at Book 39987, Page 591. The Temporary Rail Trail Construction Easement is shown as “M-TE-21, Harold H. Shaw and Susan E. Shaw, Area About 2,282 S.F.” on a plan entitled “Easement Locations in the Town of Maynard Prepared for Harold. H. Shaw and Susan E. Shaw ” prepared by Greenman-Pedersen, Inc. and dated July 10, 2015.

AND

A Permanent Rail Trail Easement in a portion of the property located at 9A Euclid Ave., Maynard, MA, shown on the Maynard Assessor’s Map as Map 14, Lot 91. The Permanent Easement is showing as “M-E-18, Harold H. Shaw and Susan E. Shaw, Area About 2,750 S.F.” the plan entitled “Easement Locations in the Town of Maynard Prepared for Harold. H. Shaw and Susan E. Shaw ” prepared by Greenman-Pedersen, Inc. and dated July 10, 2015.

The Board of Selectmen hereby adopts this Order, the purpose of which is for public bike path purposes, as that term is defined by M.G.L. c 90E, §1, including but not limited to, establishing, constructing, operating, maintaining, repairing, and the right to pass and repass on foot and non-motorized vehicles upon a multi-use rail trail/bicycle path for open space and recreation purposes and all other purposes for which rail trails are now or hereafter may be used in the Commonwealth and to make any and all reasonable use of the premises incidental to such use over the following described permanent and temporary easements.

Should the Town’s use of the Easement Areas for the aforesaid purposes result in damage thereto, the Town’s sole responsibility is to restore the same as nearly as practical to its condition immediately prior to said damage; provided, however, that in the event improvements are made to the Easement Areas, whether consistent or inconsistent with the foregoing, the Town shall not be

required to replace the same with other than grass, reasonable and normal landscaping, as the case may be.

And further that the Board of Selectmen moves to award damages in the amount of Twenty-Two Thousand, Nine Hundred Fifty Dollars (\$22,950.00) in accordance with the appraisal report dated May 2015, and prepared by Avery Associates, and execute any and send all necessary notice to interested parties.

Second: Selectman Egan

Vote:	In favor	Opposed	Abstain	Absent
Donovan	—	—	—	<u>X</u>
Kreil	<u>X</u>	—	—	—
Gavin	<u>X</u>	—	—	—
Egan	<u>X</u>	—	—	—
DiSilva	<u>X</u>	—	—	—

A motion was made to close hearing by Selectman DiSilva, Second by Selectman Gavin.  
Vote 4-0

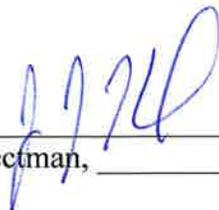
**2. Adjourn (6:50 pm)**

**A motion** to adjourn the meeting was made by Selectman DiSilva. Second by Selectman Kreil. Vote 4-0. Motion approved.

Time: 6:50 pm

Approved: \_\_\_\_\_

Date:

  
 \_\_\_\_\_, Clerk

Initials: BJM