



OFFICE OF THE
BOARD OF SELECTMEN
TOWN OF MAYNARD

MUNICIPAL BUILDING
195 MAIN STREET

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**Selectmen's
Meeting Minutes
Tuesday, August 2, 2016
Room 201, Town Hall
Time: 7:00 pm**

Present: Chairman, Chris DiSilva, Selectman Jason Kreil, Selectman David Gavin, Selectman Terrence Donovan, Selectman Tim Egan, Town Administrator Kevin Sweet, and Administrative Assistant Becky Mosca.

(This public meeting was recorded).

Public Comments: Vic Tomyl, resident commented that the BOS scheduled the Special Town Meeting on Rosh Hashanah. Chair agreed and let Vic know the Board would be rescheduling the date.

Kathy Belisle, resident commented on the 129 Acton Street builder, to put a closet in the spare room. Concern that the units then would all be 3 bedrooms and that town meeting had decided on the number of bedrooms allowed there. Also the past traffic study for that area, 129 Acton Street with all the increased traffic.

Thomas Hesbach resident commented on Mill & Main, lack of communication from Saracen and no feedback on what they plan to do to fix the noise from the fans and motors. Reserved additional comments for Agenda item.

Keith Desy resident commented on ARRT, (Acton Street) Clear cutting of trees, lost his privacy, want the trees replaced, upset that it was cut so wide, more than the 14 feet. DPW or Conservation Agent can provide information about restoration plantings.

Chet Pawlowski resident commented on the ARRT (Acton Street) that about a year ago a mailing was sent out to all the abutters. Why didn't it happen this time, when the work started now? TA commented that at that time no one came forward to put in the requests. Town requested additional plantings from MASSDOT, however, many were not provided.

Chet Pawlowski commented no one had any idea what things would look like and now want buffers to give privacy. DPW or Conservation Agent can provide information about restoration plantings.

Frank Dentino resident comment on the ARRT (Acton Street) area regarding the size of the trees that came down. Asked if all trees to be removed have been removed. Tree removal contractor is still working in Town.

Acceptance of Minute July 5, 19 and 26, 2016

A motion was made by Selectman DiSilva to accept and approve the minutes of July 5, 2016 as shown. Second by Selectman Egan. Vote 4-0-1 (Selectman Kreil). Motion approved.

A motion was made by Selectman DiSilva to accept and approve the minutes of July 19, 2016 as corrected. Second by Selectman Donovan. Vote 5-0. Motion approved.

A motion was made by Selectman DiSilva to accept and approve the minutes of July 26, 2016 as shown. Second by Selectman Gavin. Vote 5-0. Motion approved.

List of Correspondences (mail to the Selectmen's Office for July 19, 2016). A-I

A motion was made by Selectman DiSilva to accept the list of correspondences **A-I** as shown. Second by Selectman Egan. Vote 5-0. Motion approved.

Selectman Donovan asked if TA could clarify the total dollars Capital improvement in lieu of payments if they keep up with the work on the property. Month of June 2016.

Junk Dealer License: Raspberry Beret, 8 Nason Street

- a) Junk Dealer license request for Raspberry Beret, 8 Nason Street, owner, Rachel Bankey

A motion was made by Selectman DiSilva to accept and approve the new business request for Junk Dealer License, name of business Raspberry Beret at 8 Nason Street, owner Rachel Bankey, Maynard, MA. Second by Selectman Donovan. Vote 5-0. Motion approved

Selectman Gavin asked about her business, Rachael Bankey in business for 10 years. This past 1-1/2 has lived in Maynard and finally made plans to open a shop here in Maynard. Board welcomes her to Maynard.

Livery License; Jay's Transportation:

- a) Jay's Transportation, 28 Driscoll Ave, owner Jasmani Oller

A motion was made by Selectman DiSilva to accept and approve the new business request for Livery License business name Jay's Transportation at 28 Driscoll Ave, owner Jasmani Oller, Maynard, MA. Second by Selectman Egan. Vote 4-0-1 (Selectman Kreil abstained). Motion approved

7:15 PM Public Hearing: The issuance of Orders of Taking for Cutting Drive, Dettling Road and Vose Hill Road Legal Notice

On Tuesday, August 2, 2016 at 7:15 PM, in the Michael J. Gianotis room 201, the Maynard Board of Selectmen will hold a Taking Hearing with respect to Cutting Drive, Dettling Road, and Vose Hill Road, as all are shown on a plan entitled "Definitive Subdivision Plan of Vose Hill Farms – Maynard, Mass", prepared by Colburn Engineering, Inc., dated June 3, 1985, recorded with the Middlesex Registry of Deeds as Plan 188 of 1986. The purpose of the Hearing will be to vote on the issuance of Orders of Taking for Cutting Drive, Dettling Road, and Vose Hill Road for the purpose of accepting them as public ways.

A motion was made by Selectman DiSilva Move to accept and approve the decision of the order of taking eminent Domain Taking of Cutting Drive, date of this meeting Tuesday, August 2, 2016 Pursuant to the authority granted by General Laws, Chapter 82 section 7, the Board of Selectmen has voted to adopt the order of Taking as approved by Article S-8 at the 2016 Annual/Special Town Meeting on May 16, 2016 by eminent domain of the land consisting of Cutting Drive, as shown on the attached "Definitive Subdivision Plan of Vose Hill Farms – Maynard, Mass". The purpose of the Order of Taking is to adopt the roadway as a Public Way. The Board of Selectmen has moved to award damages as follows: The Board has determined that land consisting of Cutting Drive is of nominal value, accordingly, \$0.00 have been awarded as damages under this order. Second by Selectman Kreil. Vote 4-0-1 (Selectman Gavin Abstained). Motion approved

A motion was made by Selectman DiSilva Move to accept and approve the decision of the order of taking eminent Domain Taking of Dettling Road, date of this meeting Tuesday, August 2, 2016 Pursuant to the authority granted by General Laws, Chapter 82 section 7, the Board of Selectmen has voted to adopt the order of Taking as approved by Article S-8 at the 2016 Annual/Special Town Meeting on May 16, 2016 by eminent domain of the land consisting of Dettling Road, as shown on the attached "Definitive Subdivision Plan of Vose Hill Farms – Maynard, Mass". The purpose of the Order of Taking is to adopt the roadway as a Public Way. The Board of Selectmen has moved to award damages as follows: The Board has determined that land consisting of Dettling Road is of nominal value, accordingly, \$0.00 have been awarded as damages under this order. Second by Selectman Kreil. Vote 4-0-1 (Selectman Gavin Abstained). Motion approved

A motion was made by Selectman DiSilva Move to accept and approve the new decision of the order of taking eminent Domain Taking of Vose Hill Road, date of this meeting Tuesday, August 2, 2016 Pursuant to the authority granted by General Laws, Chapter 82 section 7, the Board of Selectmen has voted to adopt the order of Taking as approved by Article S-8 at the 2016 Annual/Special Town Meeting on May 16, 2016 by eminent domain of the land consisting of Vose Hill Road, as shown on the attached "Definitive Subdivision Plan of Vose Hill Farms – Maynard, Mass". The purpose of the Order of Taking is to adopt the roadway as a Public Way. The Board of Selectmen has moved to award damages as follows: The Board has determined that land consisting of Vose Hill Road is of nominal value, accordingly, \$0.00 have been awarded as damages under this order. Second by Selectman Kreil. Vote 4-0-1 (Selectman Gavin). Motion approved

A motion was made by Selectman DiSilva to close hearing at 7:37 pm. Second by Selectman Donovan. Vote 5-0. Motion approved.

Mill & Main Noise Follow Up

Discussion with TA of status at the Mill concern with the direct communication and frustration with this issue. Mass DEP will be out this Friday along with our Board of Health agent. Testing to be done this Friday.

Richard Casner, Saracen Properties – Update as of August 2, 2016 as of last week the best course of action was to do test and availability of test motors was late September. Therefore, we did not want to wait so we went ahead and ordered a quiet motor – it is a six-week period for delivery.

Chair – what has been the communication back to the neighbors and Town of Maynard?

What is the sense of urgency? It is disappointing for the neighbors and Town.

BOS member, Is there a plan B if this motor does not work. Richard Casner, no.

Communication needs to be addressed to not only the Town and the residents in that area.

T. Hesbach had follow up questions

1) Want a baseline

2) If the quieter motors are put in but it takes more fans to run – it is the fans that make the noise then it will not change the noise level.

Jason Wilkinson requested more transparency from MASSDEP involvement with the Town.

Chairman indicated that the Town has been sharing information from DEP.

A motion was made by Selectman DiSilva to authorize the Town Administrator to work with Town Counsel to gather the necessary evidence to support the filing of appropriate legal action to force As Clock Tower LLC or any other entity necessary to come into compliance with 310 CMR 7.10U (the state Noise regulations). Further, that Town Council should take appropriate steps to file the necessary complaints to enforce it. Second by Selectman Donovan. Vote 5-0. Motion approved

129 Acton Street Request and Discussion

Discussion amongst Board the desire to continue with this request for changing the development agreement from May 6, 2015. Board had no desire to make any changes at this time. Developer made request at the July 16, 2016 meeting to change a den room and add a closet for storage. Which then could be used as a bedroom. Note units have attic space and no basements.

A motion was made by Selectman Gavin to not amend the executed May 6, 2015 Development Agreement for 129 Acton Street and to authorize the Town Administrator to send a letter to Developer. Second by Selectman Donovan. Vote 5-0. Motion approved.

Coolidge School Re-Use Discussion

Discussion amongst Board / TA next steps for Coolidge School. Potential municipal use with limited access to building. Discussion to consider RFP for projects to maintain façade. Jack MacKeen of the Reuse committee reiterated recommendations from the Reuses report.

Mandatory Water Use Restriction

A motion was made by Selectman DiSilva to authorize the Town Administrator the authority to implement additional water restrictions in Town if the need arises, with notice given to the BOS of such action. Second by Selectman Gavin. Vote 4-1 (Selectman Kreil). Motion approved

Special Town Meeting Date

Due to the Holiday of Rosh Hashanah, recommend cancelling the scheduled Special Town Meeting date of October 3, 2016 and rescheduling the meeting to Wednesday, October 5, 2016.

A motion was made by Selectman DiSilva to hereby cancel the Special Town Meeting scheduled for Monday, October 3, 2016 and to set the date of Special Town meeting for Wednesday, October 5, 2016 at 7:00 pm Fowler School Auditorium, with cost of Special Town meeting to be borne by the Developer of 129 Parker Street known as Capital Group. Second by Selectman Donovan. Vote 5-0. Motion approved

Town Administrator Report;

Transportation – CrossTown Connect has received a federal 5310 grant for last mile connections. This is comparable to funding Rep. Hogan fought for and Maynard/Acton will receive for the South Acton to Maynard shuttle pilot program. The pilot should begin in September and the federally funded initiate in October or November.

COA – published their newsletter Saturday.

85 Main Street – issue resolved the tenant has moved out and the property owner scheduling the contractors to go in there this week to clean up the space.

Cultural district designation application officially submitted

NFP – Executive Session at the next board meeting on 8/16/16 request to have at 6:30 pm
Health Insurance options for the future for Town of Maynard.

Chair Report;

Comments heard from the (2) Chiefs Fire & Police, they do not like the traffic changes with the cones and tape for the bike lanes.

Board Member Reports**Selectman Egan;**

Have we heard anything on adding a Planning Board member to the CPC? TA commented that the town policy for CPC does not allow us (BOS) to just appoint a new member for the Planning Board. We will need to do a reversion as article at Town Meeting.

Selectmen Donovan; Commented on the comment Kathy Belisle made regarding the traffic study for the Acton Street area. Now that they have, the new housing and businesses in that area is might be a good time to add on the agenda to talk about and make some recommendations.

Has heard more negative feedback on the Complete Street pilot project – no for Maynard.

Executive Session

Mill & Main – baseline noise needs to be done to move forward. Hope that we have another meeting as we had at the Library with neighbors, Mill & Main, Town Employees and MassDEP. Thinks the measurements should be done in open public way so the residents can see and watch the process. TA feels it should be done by professionals as the will be conducted up on the roof of the Mill. DiSilva commented it is a liability to have extra people up the roof.

Selectman Gavin;

The livery businesses going on without licenses here in town. TA commented we send out notices when we find out. We do not have a policy to fine those businesses.

Hope that other BOS members read the COA newsletter, read the ATA message, very positive message.

Selectman Kreil;

TA can you provide the current board with the Town Water permit – 2009. TA will send out to BOS members.

Heard feedback on the cut of trees for the ARRT and pilot program for the bike lanes, not very positive. Pilot program was to try new ideas or traffic patterns to get feedback without spending large amounts of money for improvements where people do not know what the result will be.

Executive Session – To Deliberate with respect to Collective Bargaining

Roll Call;

Gavin	Yea
Egan	Yes
DiSilva	Yea
Donovan	Yea
Kreil	Yea

After the Executive Session, the meeting will not reconvene.

A motion to adjourn the meeting was made by Selectman DiSilva. Second by Selectman Gavin. Vote 5-0. Motion approved

Time: 7:05 pm

Approved: 5-0

Date:



Selectman, Jason Kreil, Clerk

Initials: BJM