



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 16, 2016  
Room 201, Town Hall  
Time: 6:30 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.**

**Executive Session** – To deliberate with respect to Collective Bargaining will return to open session  
**Roll Call**

<u>Selectmen</u>	YEA	NAY	ABSTAIN	ABSENT
Selectman Gavin	X			
Selectman Egan	X			
Selectman Kreil	X			
Selectman DiSilva	X			
Selectman Donovan	X			

Close Session note time 7:09 pm.

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

**Public Comments:** Vic Tomy commented that the BOS is supposed to do a review of the Town Administrator every year. Requests to see each members write up about the Town Administrator and a copy of the summary. Glenwood Cemetery is the water metered or should it be so we have accurate readings. In addition, WAVM is advertising the wrong date for Special Town Meeting, it should show as October 5, 2016. BOS office to contact WAVM to update meeting advertisement.

**Acceptance of Minute August 2, 2016**

**A motion was made** by Selectman DiSilva to accept and approve the minutes of August 2, 2016 as shown. Second by Selectman Kreil. Vote 5-0. Motion approved.

**List of Correspondences (mail to the Selectmen's Office for August 16, 2016). A-H**

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

Chair DiSilva commented that item G., letter from John Duro made a claim that Haynes Street (park) we have no historical data, title or deed to confirm Mr. Duro's claim.

### **Consent Agenda**

- a) Cultural Council – Molly Bergin term June 30, 2019
- b) Arbor Day Proclamation – received from Michele Grenier, Conservation Agent

**A motion was made** by Selectman DiSilva to accept and approve the consent as shown. Second by Selectman Gavin. Vote 5-0. Motion approved

### **Special Permit – Block Party – Request from Nichole Karlon**

**A motion was made** by Selectman DiSilva to accept and approve the Special permit request for a block party on lower end of Driscoll Ave. on Sunday, August 21, 2016 from 5:00 pm to 7:00 pm. Second by Selectman Gavin. Vote 5-0. Motion approved

Selectman Gavin commented that the Board should grant the authority over to the Town Administrator to give out block party permits.

### **Cemetery Deed # 2030**

**A motion was made** by Selectman DiSilva to accept and approve the cemetery deed # 2030 as shown. Second by Selectman Kreil. Vote 5-0. Motion approved

**One-Day Liquor License and Entertainment Request – Maynard Cultural Council**  
Delay until the 7:15 pm hearing is over.

**Discuss Livery License: Jay's Transportation: Removed**

7:15 pm

### **LEGAL NOTICE**

The Board of Selectmen will hold a public hearing on August 16, 2016 at 7:15 PM in the Michael Gianotis Room of Town Hall, 195 Main Street, Maynard, MA pursuant to the report and petition of the Maynard Building Commissioner that the presence of four (4) uninhabited camping trailers at 2 Rice Road, Assessor's Map 4 Parcel 124 constitutes a nuisance under Chapter IX, Section 22.2.5. All interested parties may attend and be heard at that time. A copy is on file with the Town Clerk.

**The subject to be discussed at this hearing includes the following alleged violations of applicable law, rules and/or regulations:**

- 1. Whether, the owner of 2 Rice Road has caused by acculated uninhabited camping trailers at said 2 Rice Road**

## 1. OPEN THE HEARING:

**Prior to offering any evidence, I ask that if there is anyone here who will be presenting evidence to the Board to Stand, raise your right hand and repeat after me:**

**“I Richard Asmann, Building Commissioner (state your name) swear that the testimony I am about to provide is the whole truth.”**

**“I Ann-Marie Cook-English (state your name) swear that the testimony I am about to provide is the whole truth.”**

The hearing is open.

(Richard Asmann, Building Commissioner to present evidence) **ATTACHED**

(Ann-Marie Cook-English allowed to question and present evidence)

I have (4) camping trailer on the property. 1 Large camper– Is a 1952 Spartan trailer. This is the trailer that I plan to restore from the spare parts from the (2) other trailers on the property. If I move off the property I have no access to tools and electricity. I plan to move this trailer once it is complete to a piece of property in Maine. The additional trailers I brought in are to restore the interior of the Spartan trailer.

The 4<sup>th</sup> trailer is on the other side I may or may not restore that trailer. I have no more use for this trailer anymore. Maybe for a shed on property. The 3 I have behind the fence I plan to use and plan to move. There are many properties in the area that have campers, boats and recreational vehicles. Chair said to keep this to what the hearing has stated. Ann Marie commented that she want this enforced town-wide, that if it is a normal use than it should be ok. Chair 4 complaints made to this property and we are talking about this property.

The property is well maintained, it is clean no trash\* (noise from crowd in room) – Chair DiSilva requested All to refrain from comments; to be fair to her (Ann Marie) nobody is to shot out until Ann-Marie is done with her view. Chair said that the Board has been updated by Building Commissioner, Legal and Town Administrator. Therefore, we will follow up appropriately. Ann Marie for the record, Chair this will be public record. Does anyone have any questions from the Board?

Sel. Gavin, ask Building Commissioner, Rick Asmann about what unserviceable and enforceable or (un) is it too difficult to inforce. R. Asmann, it is a car with 3 wheels and no motor.

J. Kreil no comments at this time.

T. Egan no comments at this time.

T. Donovan no comments at this time.

D. Gavin, present case, R. Asmann, clarity on multiple units do we have any reference to By-laws for storage of trailers?

R. Asmann, only thing we have is so broad our zoning By-Laws need to be re-written for storage of trailers – snowmobiles, jet skis, this should all be re-written.

Counsel Bellino, you are task with – if this is a nuisance Legal, Counsel Bellino said section D. It is a nuisance if it constitutes a nuisance in the Board eye(s) then it is a nuisance.

D. Gavin would not like it if one of his neighborhood and did a drive by. He said he would not like it if it were in his neighborhood. Do our By-Laws say what a nuisance is? Therefore, I went back home and tried to review and find the definition. List maybe burnt structures, so read about structures, it's in 22.2.2 that combine structures or shelters or building and so on and as he said to himself that if this is sitting there on this property how do we see this. Legal, Counsel Bellino comments it says in general but not limited too is a broad area to cover but in section D, over grow vegetation or other encompasses the collective hold feels it is an issue then we move forward.

Chair asked in anyone in the room had comments regarding 2 Rice Road.  
*Anyone else who would like to speak?*

B. Cranshaw, 20 Mockingbird lane question; Some trailers are behind the fence, 3 trailers and 1 outside of fence, yes. The fence is it the Towns position – if I working old an old car in my back yard I am I in violation of the By-Law.

R. Cassidy 4 Rice Road, comment from speaker said the property is well maintained. This property devalues all the other properties. Gave Board a picture of this property a picture from this week. I have talked with a realtor. I know, Miss Cook-English said the property is well maintained but it is not, the realtor even said this devalues our properties. Note gave a picture to the Chair with the long grass on the outside fenced area at property, 2 Rice Road.

B. Cranshaw, Question, is the property outside the fence Town Property. Chair asked to have picture made part of record.

V. Galvin 18 Rice Road has lived in the neighborhood for 40 years. The property at 2 Rice Road looks awful. Looks like a trailer Park with lights on all time of the night. Christmas lights strung up, eye sore to neighborhood. Takes the value of property down in the neighborhood

T. Donovan, per the pictures, it shows coffee pots, place mats glasses, it has been in use for something – some – type of living going on. It looks like something more going on at

M. Schomacker, 6 Rice Road, question; how long is it going to take to restore the trailer. How Long, and who is restoring the trailers is it her or is a third party doing the work.

Ann-Marie Cook – English, It would have been done this summer if all this did not start. All work stopped when this issue started. Now it will take a year to repair. And I am doing the work.

V. Galvin, Back 15 years ago I worked in the TA office, and when these type of issues came up, we were told that folks could not live in a trailer longer than 2 weeks at a time.

TA, K. Sweet agreed, as it is a Board of health issue. State sanitary code.

Mary Robblee 7 George Road, The property is not maintained, not the lawn and the leaves not raked. This lawn is barely mowed. Property owner does not take care of this lot. We have worked hard to keep up our property, this is not doing justice to the property and it devalues our property. I do not want this to happen to my property. We have many elderly homeowners in this neighborhood that we be in this same position.

T. Donovan, question, who is the actual owner of property? Do we have that person here? Is Miss Cook-English the owner of the property? TA Jean Cook.

Ann-Marie Cook-English, no my Mother is the owner. I have cleaned up that property Agreed that the property was destroy raking the grass– I spent months cleaning up this property.

T. Donovan, so you are not the owner. Do you have power of attorney for this property? Ann Marie, no but I can get it. Counsel Bellino indicated that it is the person who is creating the nuisance and owner. That is responsible for the property.

BOS office sent a constable to the Home and Mrs. Jean Cook signed for the notice and legal hearing. TA and we have no word from homeowner.

M. Schomacker 6 George Road, I have lived at this property for 27 years, and not once has this yard been kept up. Property is not maintained. Her mother has not been disabled for all this time.

However, the 1<sup>st</sup> trailer has been on property since December period.

Large trailer since May 3<sup>rd</sup>

She is clearly is living in the trailers, lights are on all times of the night. It is just awful.

Therefore, now it's (4) trailers and 8 months have gone bye. The trailer on the other is tipping over.

Ann Marie that is because someone shot out the window and slashed the tires. It looks like the Beverly hill Billy's. I am sick of looking at them. I do not know about the fire hazard

R. Asmann, Visibility of the 6-foot fence, the homes in the area is 2 story homes. It is easy to see these trailers. A. Cook did say she was keeping the lights on because she can.

T. Donovan ready to make motion or do you want to keep going.

C. DiSilva asked A. Cook if she filed a Police report on the window and tires.

D. Gavin agreed it is visible from the road. He did a drive by on Sunday. If someone is out on their deck, they could and can see in the back yard. Trailers are easy to see and did notice the next house have elevated deck. There must be a way to work this out before we go on.

Counsel Bellino to move on Board can give time to the nuisance if you want things removed.

To Donovan willing to make motion.

C. DiSilva, to David Point, this is the first time we have heard that you have a plan to do something with the trailers. Other than sitting in your mother's back yard. It is a start. In addition, to move the trailers. It is a first to here you have a plan. We would like to work out a plan. We have your letter from today. Do you want to work out a plan to complete this with us? It is a public record that we have from you. Work to this goal or do you want us to amend this.

Ann Marie yes I am amendable to work out a deal with town. In addition, I want enough time to do this work and then move to Maine – I cannot do this work if I am under stress. It was never intended to last this long. I cannot tare about this if I am under stress. Chris ok we can agree to disagree. I would like to see this done.

M. Robblee asked if she could speck and ask question – Chair – yes – Michelle S. when the large trailer arrived. Roughly – around December – Michelle said around December – Ann Marie shouted NOPE that came about May 3<sup>rd</sup>. If the smallest trailer has been there since December if you do not come to a ruling then the safety, nuisance and other concerns to the neighborhood is left. All justice to those concerned through the board to behoove the board to come to agreement nothing will be done. If a ruling is not done to night then nothing will be done

Ann Cook, there is an appeal process.

R. Cassidy, we need to look at By-Laws and get them updated.

C. DiSilva agreed.

J. Robblee asked whether the 4 trailers could have a process agreement, As Ann Marie said, she could complete the work in a year. Why not – Sept. 30 for one trailer then say Nov. 30<sup>th</sup> for the next? How much work will be done in a year? One person is doing all this work. Why not do a step process for each trailer to be done.

S. Bellino, if Board thinks it is a nuisance you must act on that issue. Town can remove the nuisance and put a property lean against the property.

V. Galvin, How can we trust her to get the work done? IF she is already threatening that she will that action and take longer to get this work done or not. I do not trust her. Why should we be nice when she has been hostile to us tonight?

T. Donovan, Owner of the property not at meeting. She does not own the property so why are we here talking with her. She, Jean Cook is not here tonight. We are talking about a lot of thing here tonight.

M. Robblee, How can we hold her to it?

D. Gavin – wants to work something out as agreement. Well not as concerned but she is here and we now know she is not the owner of the property.

## **2. Board Should Discuss the Count and Vote on to determine if a Violation Occurred.**

Given that the property owner's representative is contesting the allegations contained in the Notice, the Board must determine whether a nuisance exists at the Property.

*Nuisance is defined as:*

*Any substantial interference with the common interest of the general public in the maintenance of decent, safe, and sanitary structures and neighborhoods, when such interference results from the hazardous or blighted condition of private real property. Specific conditions, which may be characterized as nuisances, may include, but shall not be limited to:*

*(a) Burnt structures not otherwise lawfully habitable or usable*

*(b) Dilapidated structures*

*(c) Dangerous or unsafe structures*

*(d) Overgrown vegetation which may harbor rats and vermin, conceal pools of stagnant water or other nuisances, or which is otherwise detrimental to neighboring properties or property values*

*(e) Dead, decayed, diseased, or hazardous trees, debris, or trash*

**A motion was made by** Selectman Donovan to classify the trailers at 2 Rice Road as a nuisance and we will take up and notify the homeowner that we will take further action. Second by Selectman Gavin. Vote 5-0. Motion approved.

**A motion was made by** Selectman DiSilva to continue the hearing until Tuesday, September 6, 2016 at 7:15 p.m. Second by Selectman Gavin. Vote 5-0. Motion approved.

### **One-Day Liquor License and Entertainment Request – Maynard Cultural Council**

**A motion was made by** Selectman DiSilva to accept and approve the One-Day Liquor License, note you must have a TIPS trained server and entertainment license for the Maynard Cultural Council for Saturday, September 10, 2016. Second by Selectman Donovan. Vote 5-0. Motion approved

### **129 Parker Street MOA Discussion & Public Comments**

Chair asked for comments – we received the following:

B. Cranshaw,

- 1) Page # 1 first paragraph, “shall supersede and replace any prior Agreements” – Question, Does this affect anything other than the 2006 agreement.
- 2) Page # 1 third paragraph, “identified an Assessor’s map number 25 and parcel number 152” question, Town GIS indicates two parcels.
- 3) page 3, section C, “Traffic Assessment dated December 7, 2015” – question, Planning Board, document is March 19<sup>th</sup> preliminary Traffic Evaluation.
- 4) Page 3, “dated June 28, 2016” – question, Planning Board website document is July 11<sup>th</sup>, 2016
- 5) Page 4, “any and all”, “Project as set forth in the Revised Concept Plan, and “and shall thereafter be paid as follows:” question, what happens if not all of it gets built? Does the “any and all” and “shall there after” language mean that money only happens if entirety is built?
- 6) Page 5, item (4) “\$200,000.00 upon issuance of first building permits for any building within the Senior Independent Living or Continuing Care Retirement Community component of the Project.” – Question, if project were later changed to say Nursing Home, would we ever get this money?
- 7) page 5, Timing of Required Action - “Traffic impact and access study” – question, Good that full traffic study is done upfront but can Planning Board legally use it to justify conditions if site plan is for part of project e.g. If site plan is only for a Dunkin can (PB) make them install signal at 27/Concord which might be needed if / when full project was built.
- 8) page 6, bottom paragraph, - “The Owner shall retain a traffic engineer(s) licensed in the Commonwealth to monitor the front door improvements and its intersection every six months for a period of 24 months following the issuance of the first occupancy for any building located within the project”. Question- How effective is this if first occupancy is of only a small part of the project e.g. only the apartments are built in the first couple of years?
- 9) Page 9, 5. (Mitigation Funds) “Building permit” A. “building permit” B. building permit” C. “occupancy permit” question – should it be building permit?
- 10) Page 11, Section 7 Water and Sewer Connection Fees. (Retail, not restaurant (water connection fee) “\$5,000.00” Sewer Connection Fee “\$5,250.00” question - should there be more footnotes. Again, at Restaurant, fast food “water conn. Fee “\$5,000.00” sewer conn. Fee “\$3,500.00”
- 11) page 11, same section at the Multi-Family Residential at both water “\$450,000.00” & sewer fees “\$630,000.00” – Senior Independent Living water “\$5,000.00 and sewer “\$345,000.00” question, Are these first unit payments or are they reduced if they build 120 instead of 143 assisted living or 150 instead of 180 apartments?
- 12) Same section next question, Note throughout the document Sr. Independent Living is used but Sr. independent living is not defined in Maynard Zoning?

Vic Tomyl, Pipes, need tending – we have old pipes and we extended the pipes to the end of Maynard on Parker Street awhile back and if we make more connections on those old pipes, we could have issues at Powder Mill pump station in my back yard.

Selectman Gavin asked why Attorney Witten did not change the language in the MOA to say that we need to hold off signing until the concept plan passes at our STM, October 5, 2016.

### **Affordable Housing Trust Committee**

Discussion to advertise to seat an affordable housing committee – updating the committees planning and mission statement.

TA commented to board that he added information regarding the Affordable Housing Trust in drop box. The Community Preservation Committee (CPC) has this committee listed. We had a group added before but it had no movement. We have some of the same members to add back on and a few new members. We need a BOS member to be on this committee. Sel. Gavin agreed to join.

Potential Members, Rick Lefferts, John Couville, Siobain Mitchell, Robert Larkin, and David Gavin

### **Ratification of Public Employees Liuna Local 272 Agreement**

TA summarized the contract which was in executive session; hiring and promotions, updated the bereavement now all (7) seven members have equal. No overtime, all are salaried exempt employees and in line with other contracts. FY17, 1.5% increase, FY18, 1.75%, FY19, 2.00% increase plus with annual 1.5% COLA.

**A motion was made** by Selectman DiSilva to accept and approve the Public Employees LIUNA Local 272 Agreement term July 1, 2016 thru June 30, 2019. Second by Selectman Kreil. Vote 5-0. Motion approved.

### **Town Administrator Report;**

Met with RMR and six people from a Chinese investment company interested in the former Stratus property. RMR is RE Investment Trust representatives. Investors very interested but have several ideas, some which would be easier than others to approve. Including business park, private K-12 international school with dormitories, medical training facility (nurse, PA's) and residential only. The town has been approved for a technical assistance grant for complete streets development. This money, \$49,100.00, will enable us to focus our already scheduled pavement and sidewalk improvements and receive up to \$400,000.00 annually for construction – over and above Town funds and Ch. 90 investments.

Cross Town Connect is moving forward with two commuter shuttles. Maynard / Acton and Littleton / Boxboro/ Westford. Details are progressing and we hope to have the Maynard route in place by early September (awaiting final word on the \$45,000.00 State appropriation) the Littleton section begins after October 1 as it is federally funded.

Seasonal paving

Concord Street – Vernon Street to Town line (2: Mill & Overlay) – Lazaro Paving Company

Powder Mill Road – Parker Street to Town Line (2: Mill & Overlay)

Patti Lane (Reclamation)  
 Michael Road (Reclamation)  
 Glenn Drive (Reclamation)

Main Street – River Street to Summer Street (half reclaim / half Mill & overlay)  
 Main Street – Riverbank to Route 117 (2: Mill & Overlay) (Possible)  
 Main Street - Riverbank to Route 117 (2: Mill & Overlay) (w/ADA accessible ramps at street corners) (Possible)

**Crack Seal:**

Several streets noted Approximately 2/3 of Town of Maynard, Bates Ave., Beacon St., Burnside St., Butler Ave., Chance Farm Lane, Chandler St., Country Lane, Acton St., Fairfield St., Fifth St., First St., Fourth St., Garfield St., Great Rd., Hird St., Howard Rd., Crane Ave., Dartmouth St., Dewey St., Douglas Ave., East St., Elm St., Elmwood St., Everett St., Summer Hill Glen, Summit St., Third St., Thomas St., Tremont St., Vernon St., Walcott Ave., King St., Lantern Lane, Lindberg St., Mill St., Pine St., Railroad St., Sarah Lane, Second St., Sudbury St., Walnut St., Waltham St., Warren Ave, West St., Wilder St., Wind Mill Drive, Winthrop Ave., Wood Lane.

Municipal Modernization Bill signed on August 9, 2016 by the Governor Charlie Baker.

129 Acton Street- We have looked at sidewalk area that will connect to the Assabet River Rail Trail area has a grade drop – we need to request they delay the sidewalk until the ARRT is near complete it will delay about 6 weeks. DPW, Wayne our engineer thinks it is a safety issue and that the grading needs to be leveled. AS it's a public access point. BOS ok with this amendment change as long as developer at 129 Acton Street completes the work.

**Chair Report;**

Emails from the ABCC can we add to the next agenda and review the changes. Agreed 9/6/16 Counted the signs on Main Street down to the McDonald building – 26. It is an issue for vehicles going the wrong way on Main Street section that is a one way. Flower Pot said in the past 2 days a vehicle has taken the left each day. Can we let someone know to put up another sign at the entrance to Main Street from River – No left turn?

**Board Member Reports**

**Selectman Egan;** none

**Selectmen Donovan;** Acton Street, Can we let Mr. Fenton know he needs to keep gear off of the road so it's not an issue for folks driving down the road near his work site at 129 Acton Street.

**Selectman Kreil;** TA report, curious if institutional or dormitory type building can go into our industrial zone TA – no, one of ones to consider, strong interest.

Complete Streets assists on Massworks, Massworks was funded for 500 million over the next 5 years grant, TA Complete Street policy give points on the Massworks grant application.

Paving list does not include spot repairs, TA No that is correct.

Mr. Fenton needs to fix the electrical trench on Acton Street.

Zach Sulzer, your last night a big thank you from the Board of Selectmen and come back any time.

**Selectman Gavin;** how is the water level in Town? TA – it is good we have Daily monitoring of the level by DPW.

Do we have any communication from Mill & Main? TA, No.

Good news with the Grant at the Library for the Wi-Fi (State Grant) received.

Koto's to Aaron on the response for customer services

Bridge at John's Cleaner, Can we look at the trees and other debris

Clerk's Office, are they ramping up for the elections?

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

Meeting ended at 9:35 pm

Time: \_\_\_\_\_ pm

Approved: 5-0

Date:

  
\_\_\_\_\_  
Selectman, Jason Kreil, Clerk

Initials: BJM

Attachments:

- 1) Ann Marie Cook English
- 2) Richard Asmann