

Report of the Town Manager

September 8, 2014

1. **Personnel Updates-**

- a. None at this time

2. **Financial Updates-**

- a. None at this time

3. **Project Updates-**

- a. **Police Station Filed Sub-Bids-** The filed sub-bids for the police station project were due and received last Thursday. They were publicly opened and recorded, as per the law, and are currently being tallied and analyzed by our Owners Project Manager the Maguire Group. I hope to have details for you by the time of the meeting. The general contractor bids are due by September 18, 2014 at 3:00 pm.

Action Requested: None.

4. **Miscellaneous Updates-**

- a. **50 Franklin Street-** There has been a concerted effort made by the Board of Health, the Conservation Commission, the Planning Board, the Zoning Enforcement Officer, the Fire Department and my office to address ongoing concerns at 50 Franklin Street.

The original use approved at that location was for a “contractor’s yard” and the owner originally committed that no material would be left onsite longer than 12 hours. That is clearly not the case today. In fact, the State Department of Environmental Protection (DEP) Emergency Strike Task Force inspected the site back in April and reported out to the Chairman of the Board of Health that the site is being used as a solid waste facility without site assignment and appropriate permits. It is unfortunate that this information was not shared and was only discovered when the Development Director called DEP to seek guidance on this site. Be that as it may, as of last week the following affirmative steps have been taken:

- The Planning Board issued a letter requiring the owners attendance at a meeting to discuss the failure to complete the fencing.
- The Conservation Commission issued an enforcement order regarding the owner’s failure to complete the required conditions of the Notice of Determination of Applicability.
- The Fire Chief is bringing the State Fire Marshall in for an inspection.
- The Board of Health is working through Town Counsel to draft and send the owner a cease and desist order requiring him to stop all activity onsite with the exception of the required removal of all materials to an appropriate solid waste facility. Further, that the owner seek and received any and all appropriate permits, licenses and state and local site assignments before continuing any related activity on site.
- I am working with DEP to encourage their intercession and enforcement.

It is appropriate to thank Selectboard Chairman Blair for birddogging this matter.

- **Action Requested:** Let's discuss at your pleasure.

- b. **49 Spring Street-** Similar to 50 Franklin, there has been a concerted effort to address the situation as it has developed at 49 Spring Street. By way of background- the lot has historically been used as a pre-existing non-conforming auto repair and auto sales site. In 2011 the Building Commissioner ruled that the site had lost its grandfathered status as an auto sales site with two years of no such use having elapsed. He ruled, however, that the auto repair use retained its grandfathered status. The current occupant, Mark Tansey, appeared before you in 2012 to seek a class 2 license to sell cars at that location. You conditionally issued such license. He was limited to 15 vehicles and had to get his special permit from the ZBA per zoning and a site plan review with the Planning Board. He started the process but never finished. At a minimum, he has been conducting auto repairs as a grandfathered use since that time. As an auto repair shop he is still held subject to the town unregistered car bylaw and in that regard he was advised by the Police Department in January that he would be allowed to keep up to 15 unregistered cars on lot so long as he had either received or been in process of receiving his class 2.

It was at that point that we dropped the ball and by "we" I will say---me.

The Police Department believed that he had complied and did in fact receive his class 2 license so they never pursued the matter further. I did not advise them of anything to the contrary so for the past six months he has been in violation of the unregistered car bylaw, at a minimum.

As of last week, a complaint was sought in the district court for said bylaw violations.

Additionally, there is a possibility that some of the activity being conducted on that site would constitute a class 3 operation and in that regard perhaps the Board of Selectmen would consider calling the operator into your next meeting to have such a discussion.

It is appropriate to thank Selectboard member Berndt for birdogging this matter.

- **Action Requested:** Let's discuss at your pleasure.

- c. **Multifamily Residential Unit Inspections-** Please see the enclosed writings on this matter.

- **Action Requested:** Let's discuss at your pleasure.

- d. **Goodwin Dog Matter** - A verbal update will be given.

- **Action Requested:** Let's discuss at your pleasure.

- e. **ABCC – Kwik Stop Liquor's Update** – Please see the attached email response from the ABCC Executive Director, Ralph Sacramone.

- **Action Requested:** None.