



MANCHESTER-BY-THE-SEA

BOARD OF SELECTMEN • TOWN HALL
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MINUTES OF THE BOARD OF SELECTMEN

March 15, 2021 6:30p.m. Virtual Meeting

Join Zoom Meeting, Meeting: ID 937 8738 4191, Passcode: 998585 One tap mobile: 1.646.558.8656

MEMBERS PRESENT: Mr. Boling, Mr. Bodmer-Turner, Ms. Jaques, Ms. Harrison and Mr. Round

MEMBERS ABSENT:

STAFF PRESENT: Town Administrator, Mr. Federspiel, BOS Clerk, Ms. Hunter, Parks and Recreation Director, Ms. Marshall

GUESTS:

PRESS:

Mr. Boling called the BOS meeting to order at 6:32 p.m.

Mr. Boling welcomed participants to the virtual meeting indicating the meeting was being recorded and minutes were being taken by Ms. Hunter.

- **Public Comment** – There was no public comment this evening.
- **Manchester Bath & Tennis Club – Seasonal Liquor License Renewal**

Mr. Bodmer-Turner moved to approve the Manchester Bath & Tennis Club application for a Seasonal Liquor License given there were no changes and the Club would operate with the same consideration to neighbors, Mr. Round seconded the motion. The motion passed unanimously.

- **Parks & Recreation – Singing Beach Parking Update & Sculpture Donation and July 4th Committee Report**

Ms. Marshall stated the Parks and Recreation Committee was recommending parking at Singing Beach return to mostly resident parking only on April 15, 2021 which is the current policy. No decisions have been made regarding limited non-resident paid parking Monday through Thursday which usually begins on June 1 for the summer season.

The family of Benjamin Gannet would like to donate a seagull sculpture for Singing Beach in his memory. The installation and approval of the sculpture is before the Conservation Commission.

Mr. Bodmer-Turner asked where the sculpture placement is proposed at Singing Beach. Ms. Marshall stated next to the entry ramp to the revetment wall seating area. Mr. Round suggested the family pay for installation (which they have offered to do) and noted the sculpture would require a foundation. Ms. Harrison stated she liked the sculpture. Ms. Jaques believes it is a wonderful gesture and generous offer. Ms. Boling also supports the addition of the sculpture to Singing Beach.

Mr. Boling stated the Board would vote to approve the addition and placement of the sculpture following the Conservation Commission's approval.

The July Fourth Committee is proposing no parade or fireworks for July 4, 2021. In place of a July Fourth celebration the Committee, working with the 375th Committee, is planning a Town Anniversary Celebration on September 25, 2021 (with the parade and fireworks returning on July 4, 2022).

Ms. Jaques complimented the Committees, indicating the decision was likely not an easy decision to make. Ms. Jaques noted the weekend of September 25th is just before fall and the right time to plan a special event. Mr. Bodmer-Turner indicated we are all struggling with President Biden's ambitious goals for July 4th and believes it is better to have an alternative plan and be cautious. Mr. Boling concluded this is not what everyone was hoping for but the Committees have given us something to look forward to.

- **Sustainability Committee Updates**

Ms. Anholt-White indicated Town wide there had been waste reduction. Although not drastic or dramatic the reduction makes composting for the Town a priority. The goal is to remove weight from trash. Ms. Anholt-White indicated the Town was lucky to have the services of Black Earth. The Committee's objective is to plan over the next few years to end organics in waste.

Ms. Anholt-White pointed out Hamilton now requires residents to put out compost with trash and believes Manchester could work towards that goal for fall 2023. The Committee is working to develop educational information towards creating zero waste. The Committee would also like to challenge families in a friendly competition format.

Mr. Boling would like to review how successful the Town has been in cutting back on waste in spring of 2022 prior to implementing a mandatory household composting rule in Town.

Ms. Spang Menon stated the main goal to reducing trash is to improve the environment and help the Town's bottom line with better management of waste. Ms. Spang Menon went on to state the greatest cost to the Town is curb side pickup. She believes reducing waste in households is likely to succeed following a year of preparation. Unfortunately, the percentage of compostable waste is increasing and the Committee would like to engage more residents in composting to cut back on this increase. Ms. Anholt-White asked the Board what they think of composting.

Mr. Boling agreed it was important to push for more comprehensive participation in composting. Mr. Bodmer-Turner stated his home participated in composting and asked

how many residents were currently composting. Ms. Anholt-White stated 25% to 30% of homes are participating and that number has been flat for a several years. The Committee is planning to conduct a survey to gather more granular information from residents and build a campaign based on the survey results.

Mr. Bodmer-Turner asked about moving to barrels in place of bags and the cost of moving to barrels that are lifted vs, bags that are tossed onto the truck. Mr. Federspiel stated the issue of moving from bags to barrels would require research and part of that research would take place through the RFP process and he would follow up on the possibilities with vendors.

Ms. Jaques stated she has been composting for a long time and is in favor of investigating mandatory composting. She believes residents will find the cost of trash removal concerning. Ms. Anholt-White agreed people are not aware the cost of trash removal is \$500K+. Ms. Jaques thanked the Committee and stated we all need to be mindful of how we consume and dispose of waste.

Mr. Round indicated it takes lots of effort to change behavior and asked if there had been feedback from residents in Hamilton. Ms. Anholt-White stated the organics ban was just implemented and there was no data available at this time. She also stated the entire State of Vermont requires composting with trash.

Mr. Boling concluded he supports composting and has been composting for years. He generally supports ways to roll out mandatory composting but believes it is important to avoid push back with careful thinking and planning. Mr. Boling stated the Board is interested in remaining in contact with the Committee and thanked them for their work on behalf of the Town.

- **Outdoor Dining**

Mr. Federspiel stated restaurant owners need lead time for hiring summer staff. He stated there are some differences this year compared to last. Restaurants can now serve indoors with some limitations -- tables are 6 feet apart with a maximum of 6 patrons at a table. This is not as restrictive as last year and will likely evolve as the number of vaccinated residents increases.

There are two points of view, retailers are opposed to parking spaces being taken up and restaurants cannot serve as many patrons as they once did (this is especially true for smaller establishments) and it is challenging to satisfy the competing interests. Mr. Boling indicated restaurants are requesting the same consideration as last year and nearby retailers are not happy with the loss of parking and tents obstructing views of their businesses.

Ms. Harrison stated she is not in a position to decide now. It is going to be cold for a while and it is too early to take up the subject. Mr. Bodmer-Turner recommends going with half of the previous sidewalk space used for outdoor dining and umbrellas no tents or awnings. He also favors reviewing once the State application process is defined in mid-April and again in mid-June and every other month as changes develop.

Mr. Round agrees with Mr. Bodmer-Turner and stated there are two factors at play for some restaurants -- facilities indoor are small and some people are not interested in going inside. This is a dynamic situation which changes weekly. Mr. Round believes eating in the street is unsightly but understands the need to allow for one space with monthly reviews. Ms. Jaques supports both restaurants and retailers and would like to work to help both.

Mr. Boling agrees that outdoor dining should not take up the level of space it took up last year. He supports Mr. Bodmer-Turner's proposal for one parking space and revisiting the recommendation in two months. Mr. Boling hopes, as the population is vaccinated, this will come to an end and the Board is now deciding on temporary measures. The start date for outdoor dining is yet unknown. Mr. Bodmer-Turner reiterated his two month review to support businesses stating month to month is too short for businesses.

Ms. Mellish stated it is important for residents and visitors to have restaurants open on the street and suggested retailers are served by the additional activity on the sidewalk.

Glenn from the Beach Street Café stated it is critical for restaurants to start planning and to define their footprint early. He is requesting the same restrictions as last year. Glenn noted he had heard outdoor dining had been a boom to the Town last summer and fall.

Amy from the Stock Exchange stated her biggest concern is the tent blocking her store and suggested using the available sidewalk space without taking up parking spaces.

Monica from Cala's stated the requirement to have tables 6 feet apart puts the restaurants at 50% capacity. She indicated guests were asking for outdoor dining and would like to get started sooner to put tables on the sidewalk. She proposed coming up with beautiful barriers and building a compromise with retailers.

Mr. Bodmer-Turner asked if the State would be extending liquor licenses. Monica from Cala's stated outdoor liquor licenses will extend 60 days beyond the State's ending the State of Emergency. Mr. Boling suggested one option is to limit parking spaces to one, no tents and sidewalk tables. He requested restaurants provide layouts for review. Outdoor dining will be further discussed at the next Board meeting. Mr. Boling concluded at the next meeting the Board will define guidelines and accept proposals from restaurants.

- **40B Project Update/Discussion**

Mr. Boling summarized the current status of negotiations around the 40B project:

- Town is willing to provide a Letter of Endorsement and move the process onto the ZBA.
- If the Town does not reach an agreement, the Developer will go before the State without a Letter of Endorsement.
- Mr. Boling indicated the Board is still receiving emails requesting that the Board not support the project. The Board cannot deny the project.
- Additionally, there have been emails and petitions to pause negotiations with the Developer. The Developer can terminate negotiations and move onto an

- Unfriendly 40B at any time. Mr. Boling believes it is in the Town's interest to continue to negotiate.
- During the last session, the Board and Developer were down to the final round of negotiations and there is an edge where the Developer could walk out. Mr. Boling did not open discussion to the public.
 - There have been many useful comments and letters going back and forth among residents. A rough draft of the memorandum of understanding has been developed.
 - There have been additional developments over the weekend. The Developer is no longer considering sidewalks. Additionally, the Developer is aware there is a group of residents attempting to thwart the 40B by creating a safe harbor.
 - If a Memorandum of Understanding is not signed by April 2, 2021 the Developer has threatened to do what he needs to do to construct a 4 floor, 135 unit 2 and 3 bedroom building. This would result in more children added to the MERSD.

Mr. Federspiel indicated he had discussions with CATA around developing bus loops in Town. The loops would get people to and from the MBTA during commuting hours. The rate quoted for service is \$106 an hour. Assuming 7 days a week, 7 hours daily the estimated cost is \$270K annually. With a Developer contribution, extending the service to the MAC and fare revenues for the shuttle serving the beach there are ways to raise dollars and support a shuttle. During the summer, the shuttle could be scaled back to weekends supporting Singing Beach. The Developer contribution would be an integral piece for the Town to put together a shuttle plan.

Mr. Boling indicated if the Developer is not supporting sidewalks and contributing cars to the Town a contribution to a shuttle would support both the Development and the Town. Ms. Jaques agreed stating she was frustrated with the loss of sidewalks and the Developer has repeatedly stated the shuttle is not going to be used.

Mr. Bodmer-Turner believes the Developer's comments about sidewalks are exaggerated and suggested a 1,400 feet of sidewalk across from the property is possible. There are walkways around the conservation area, residents may want to cross the street to the MAC and Utopia Farm Stand. Mr. Bodmer-Turner is not ready to give up on sidewalks.

Mr. Round indicated he had not looked at the sidewalk issue closely enough suggesting the ADA compliance issues may create some safety issues. He was concerned with crossing Route 128 and the need for barriers on the western side. He would like to pursue the discussion and ask additional questions.

Ms. Harrison stated on Grape Vine Road around Gordon College there were safe pedestrian walkways around the exit ramps. Mr. Bodmer-Turner indicated the wetlands may present issues. Ms. Harrison believes crosswalks and sidewalks are needed and believes the Developer is aware the High School is within walking distance.

Mr. Federspiel stated he is waiting to hear back from the State on how sidewalks are defined. Sidewalks on streets follow the contour of the streets and streets go up and down hills. Mr. Boling stated there was an assumption that the Developer needed an ADA exemption. Mr. Boling would like to resolve concerns along the road on the western side and across from the wetlands.

Mr. Bodmer-Turner would like to know if the Town can designate the entrance to the development as a Private Road concluding it is a Private Road within the Town and ½ mile long. Mr. Federspiel believes the entrance road qualifies as a road and can have stretches of grade more than 5%.

Mr. Boling summarized the sidewalk issue. The Developer may not need to meet the ADA requirement. Mr. Bodmer-Turner would like to have that confirmed by the State and Counsel.

Mr. Boling stated the second part of the sidewalk issue is if the Developer is unwilling to consider a sidewalk the Town has an expectation that there would be a contribution to the shuttle. Ms. Jaques indicated the contribution would be recurring. Ms. Harrison suggested a \$50K annual contribution. Ms. Jaques and Mr. Boling would like to receive 25% of the total cost of the shuttle.

Ms. Harrison pointed out the Developer has stated his intention is not to own the property long term and he does not want to be encumbered to the Town.

Mr. Boling concluded if the Developer constructs a sidewalk there is no expectation for him to support the shuttle.

Ms. Hill asked if the residents would see the Letter of Endorsement prior to it being sent to Mr. Engler. Mr. Boling indicated the letter would be posted on the website.

Ms. Rogers, 82 Old Essex Road supports sidewalks on property and sidewalks extending up School Street to the property. Ms. Rogers asked where the Board stood on waivers. Waivers will be the domain of the ZBA.

Mr. Boling stated there are 40B Developments with no sidewalks although it is preferable to have sidewalks. Mr. Bodmer-Turner added sidewalks will help connect the development to Town.

Mr. Gilbert stated people will leave the site by car and questioned the anticipated ridership for the shuttle. Mr. Boling stated that is a good question. The Town will develop a comprehensive option with CATA.

Mr. Morse asked if public safety is a consideration of the Board. Mr. Federspiel stated public safety is the domain of ZBA and not impacted by the Letter of Endorsement.

- **FY22 Budget Discussion** – will take place at the next Board meeting.
- **Consent Agenda**
 - BOS Meeting Minutes – March 1, 2021

- Manchester Yacht Club – ABCC Change of Manager Application

Mr. Bodmer-Turner moved to approve the Consent Agenda, Ms. Harrison seconded the motion. The motion passed unanimously

- **Correspondence**
 - Letter from KP Law re: Notice of Rate Increase
- **Town Administrator’s Report**
 - ✓ Construction Update: The revetment work at Singing Beach is complete and the work on the seawall at West Beach is wrapping up. Sewer lining work continues along Sawmill Brook after finishing up on School Street
 - ✓ Pathway from Town Hall to Beach Street: The Town has an agreement with the Church and owners of the building housing the bank, barbershop and other businesses to finally create a path linking the Town Hall Parking Lot with Beach Street. Assuming we can get some written understandings signed soon we could build the new pathway this spring.
 - ✓ Covid Vaccination Clinics: Efforts continue with Senator Tarr to develop “mini-regional” clinics for Cape Ann and Ipswich.
 - ✓ Set up local rapid recovery grant Committee to work with merchants and business owners. Mr. Federspiel requested one Board member to work with the Committee. Ms. Jaques volunteered depending on meeting times.
 - ✓ The Town will also be receiving \$1M+ and Mr. Federspiel is recommending investing in wastewater, sewer and broadband infrastructures.
- **Other Matters, as May Have Not Been Reasonably Anticipated by the Chairman** – There were no additional matters this evening.

Ms. Jaques moved to adjourn the meeting to go into Executive Session and not to return to Open Meeting, Ms. Harrison seconded the motion. The motion passed unanimously.

- **Executive Session:**
 - A) **Under M.G.L. Ch. 30A, sect 21 (a)(3) To Discuss Strategy with Respect to Pending Litigation Regarding a Personnel Matter.**
 - B) **Under M.G.L. Ch. 30A, sect 21 (a)(6) To Discuss Possible Real Estate Transaction.**

Meeting Documents:

- Consent Agenda as listed
- Correspondence as listed
- Manchester Bath & Tennis Club Seasonal Liquor License Application
- Sustainability Committee Materials
- FY22 Budget
- Town Administrator’s Report

Upcoming BOS Meeting

- Monday, April 5, 2021

- Tuesday, April 20, 2021