



MANCHESTER-BY-THE-SEA

BOARD OF SELECTMEN • TOWN HALL
Manchester-by-the-Sea, Massachusetts 01944-1399
Telephone (978) 526-2000 FAX (978) 526-2001

MINUTES OF THE BOARD OF SELECTMEN

June 17, 2021 6:30p.m. Virtual Meeting

Join Zoom Meeting, Meeting: ID 989 2754 0133, Passcode: 775584 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

GUESTS:

PRESS:

Mr. Boling called the BOS meeting to order at 6:34 p.m.

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

1. Annual Town Meeting Review

Mr. Boling indicated that Mr. Wilson, Town Moderator, will begin the Annual Town Meeting with opening comments. Board Members will introduce their assigned Articles and speak for two minutes or less on the Article. Articles 1-3 are proforma Articles.

Article 4 – Ms. Jaques will introduce and Ms. Mellish, Chair of the Finance Committee, will second. Article 4 – To see what sums of money the Town will raise by taxation or otherwise to pay Town debts and charges for the ensuing 12 months, effective July 1, 2021, and appropriate the same.

Article 5 – Mr. Round will introduce and Ms. Mellish, Chair of the Finance Committee, will second. Article 5 – To see is the Town will vote to raise and appropriate the sums of money called for under the listed – Capital Expenses totally \$3,290,425.

Mr. Boling suggested Board members pull out information from the Finance Committee Annual Report to provide information on Articles 4 and 5.

Article 6 – Mr. Federspiel will speak to and answer questions on the transfer of funds for trail work and filings with Registry of Deeds.

Article 7 – MERSD budget Mr. Warnock and Mr. Harrington, Manchester School Committee members, will move, second and speak to the District budget.

Article 8 – Community Preservation Committee recommended expenditures for FY22. Ms. Thorne and Mr. Burke will move, second and speak to the proposed disbursements.

Article 11 – Chebacco Road construction of easement in Hamilton, Ms. Harrison will move, Ms. Jaques will second and Ms. Harrison will speak to the Article and answer questions.

Citizen Petition Articles:

Article 12 – The Board discussed and will take no position given that a letter is due to MassHousing on June 25, 2021, on the proposed 40B project.

Article 13 – Earth removal and blasting – The Board will take follow the advice of the Planning Board. The Planning Board has recommended not going forward with the Article as blasting is regulated by the State.

Article 14 – Two access roads into a development, this is either a Public Safety By Law or possibly a Zoning By Law and part of the Planning Board’s normal process requiring a Public Hearing if it is a Zoning By Law.

Article 15 – Dispatch, the Board is currently engaged in providing information to the public and the Board recommends not approving while engaged in a public dialogue.

Article 16 – There are currently no Recodification By Laws on the Warrant thus the Board recommends passing over this article.

Mr. Federspiel asked if the Board would like to meet prior to Annual Town Meeting in the High School. It was decided the Board would post for a meeting and cancel if no meeting is necessary.

2. Short-Term Paying Guest Applications – 1 Bridge Street & 16 Forest Street #2

Steven Martin, 2 Forest Street, Apt. 2 – Mr. Martin filed an application for Short Term Paying guests.

Ms. Jaques asked if there was adequate parking for guests. Mr. Martin indicated the house is a two-family residence with two driveways one dedicated to each apartment in the building. Ms. Jaques asked if there was a turn around in the driveway or if residents needed to back out of the driveway. Mr. Martin indicated he lives in the apartment when it is not rented and has not problem backing out of the driveway.

Ms. Jaques stated a stipulation in the short term guest By Law is the homeowner resides in the home. Ms. Harrison stated she was not familiar with the By Law and asked if the homeowner being in residence, is a requirement. Mr. Boling stated the law was not explicit and owner occupied is a grey area. Mr. Gilbert, Planning Board, pointed out if the homeowner lives in the home for 51% of a given year the home is owner occupied. Ms. Harrison asked if he lived in the apartment more than 50% of the Year Mr. Martine replied, yes, he did.

Ms. Harrison moved to approve the application for short term rental at 16 Forest Street, Apartment 2, Ms. Jaques seconded the motion. The motion passed unanimously by roll call vote.

Mr. and Ms. Whittlesey, 1 Bridge Street – Ms. Whittlesey stated they have a home a few houses away from 1 Bridge Street which is a one bedroom house and it would be impossible for her to say the home was owner occupied when being used as a short term rental. Mr. and Ms. Whittlesey currently reside full time in Sherborn, MA and plan to move to Manchester full time within the next few years.

Mr. Boling stated he could not see reading where the By Law applies in their case.

Mr. Boling moved to not qualify the application for short term paying guests, however indicated the homeowners could rent for more than 6 days. Ms. Harrison seconded the motion. The motion passed unanimously by roll call vote.

3. Board/Committee Reappointments

Mr. Boling read the list of appointments as presented in the meeting packet. There was no objection to the appointments as read.

Mr. Burke of the Community Preservation Committee (CPC) respectfully requested that the appointment of at large positions on the CPC be staggered. It was difficult to maintain continuity when multiple members are reappointed at the same time. Additional consideration will be given to Mr. Burke's request.

Ms. Jaques moved to approve the list of appointees as read, Ms. Harrison seconded the motion. The motion passed unanimously by roll call vote.

4. Draft MassHousing Letter/Mass. Architectural Access Board Letter Re: Sidewalk

Mr. Boling and Board members thanked Mr. Federspiel and staff for their efforts in drafting the letter and indicated the Board's letter would be forwarded to MassHousing along with letters from Manchester Essex Conservation Trust, Planning Board and the Citizen Initiative for Affordable Housing.

- Ms. Harrison stated she found Mr. Witten's edits aggressive. She liked the structure of the letter and believes the MassHousing Sustainability Development Principles are strong.
- Mr. Round agreed with Ms. Harrison and did not think the Board needed to be so in the face of MassHousing. Mr. Round also asked if the MassHousing decision was appealable. Mr. Boling replied, no. Mr. Round had two additional points around the project being financially unfeasible and expressed concern it would become neglected. He also questioned the Developer not wanting anything else built on Shingle Hill and supports Mr. Witten's comments on this issue.

- Mr. Bodmer-Tuner believes the juxtaposition of LCD is not a good argument and is incompatible with the Town's Housing Plan. He believes safety around the Development is a disaster and 2 way access and internal bike lanes and sidewalks along with ADA access are imperative.
- Ms. Jaques believes the letter is professionally written and some of Mr. Witten's tone is warranted around safety, environment, sustainability and financial feasibility.
- Mr. Boling is grateful for Mr. Witten's guidance and leadership but the bottom line is, he will be signing the letter and some of Mr. Witten's language is not what would come from him. Mr. Boling supports the 6 areas of the letter:
 - 1) MassHousing Sustainability Development Principles
 - 2) Overturns Local Zoning
 - 3) Incompatible with our Local Housing Production Plan
 - 4) Financially Unfeasible
 - 5) Environmental Degradation
 - 6) Safety Concerns

Mr. Boling believes the section on overturning local zoning needs to be modified. The discussion around the LCD needs to be clarified to fit with the argument. Ms. Jaques asked if MassHousing was interested with local zoning. Mr. Bodmer-Turner would like the focus to be more on environmental degradation and water supply threatened by the Development. He believes that delivers the punch the Town wants.

The Board discussed the Public Safety section and noted that Mr. Witten offered more content that was valuable to the possibility of public safety threats and added the Complete Streets Plan to extend sidewalks as the LCD is developed to support pedestrian traffic. Ms. Harrison suggested splitting accessibility and safety and use the Traffic Engineer's report to support both. She also suggested adding safety and emergency events and the possibility of a disaster.

Additional comments from the Board focused on the proposed sewer treatment plant and water pollution believing MassHousing is likely less concerned with spotted salamanders than impact on the Town's drinking water.

The Board comprehensively discussed Mr. Witten's comments and tone selecting the parts of his comments that supported the arguments in the sections of the letter but keeping the tone more civil.

Gary Gilbert expressed concern around the possibility of a partially destroyed site.

Denny Hall focused on financial feasibility and agreed with Mr. Boling that the Town will not win with personal attacks against the Developer.

Ashley Ochs suggested a condition for the Development is the addition of sidewalks which will likely have the impact of making the Development economically unfeasible.

It was noted that MECT has taken the proposed Development seriously and expressed concern about the destruction of the habitat when the top of the hill is destroyed, along with the loss of trees and impact on the land owned by the Town, MECT and Trustees of Reservations. Additionally, MassHousing needs to take into consideration there are no adjacent buildings and the proposed building would be the largest in Town. It is out of scale with the Town.
The final edited letter is now available on the Town website.

5. Consent Agenda

- BOS Meeting Minutes – June 7, 2021

June 7, 2021 Minutes were not available this evening.

- Touch-A-Truck Event – July 29, 2021 Rain Date August 5, 2021

Ms. Harrison moved to approve the Touch-A-Truck event as presented, Ms. Jaques seconded the motion. The motion passed unanimously by roll call vote.

6. Town Administrator's Report

- There are a few fund transfers for the Board to approve. The Finance Committee will approve the transfers at their June 24th meeting. Transfer will cover Fire and Police salaries, Legal and professional services largely due to Covid.
- Pleasant Street speeding and traffic calming Ms. Colarusso is concerned about speeding cars, cars parked on the sidewalk and is concerned the Board is not taking her concerns seriously. Chief Fitzgerald will speak to her again. The Chief, DPW Director Dam and Mr. Federspiel will explore other traffic calming options and get back to the Board.
- Compost bid – Black Earth is the only bid received. The costs are high and will result in the Town paying more for compost services. We are trying for a grant extension.

7. Other Matters, As May Not Have Been Reasonably Anticipated By the Chair
There were no additional matters discussed this evening.

Ms. Jaques moved to adjourn the meeting, Ms. Harrison seconded the motion. The motion passed unanimously.

Meeting Documents:

- Consent Agenda as listed
- Annual Town Meeting Warrant Articles
- Board/Committee Reappointment List
- Short-Term Paying Guest Application for 1 Bridge Street and 16 Forest Street #2
- Draft MassHousing Letter/Mass Architectural Board Letter re: Sidewalks
- Town Administrator's Report

Upcoming BOS Meeting

- Tuesday, July 6, 2021
- Monday, July 19, 2021