



# MANCHESTER-BY-THE-SEA

BOARD OF SELECTMEN • TOWN HALL  
Manchester-by-the-Sea, Massachusetts 01944-1399  
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## MINUTES OF THE BOARD OF SELECTMEN

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August 2, 2021 6:30p.m. Virtual Meeting

Join Zoom Meeting, Meeting: ID 844 0043 4926, Passcode: 029989 One tap mobile: 1.646.558.8656

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

**MEMBERS ABSENT:**

**STAFF PRESENT:** Town Administrator, Mr. Federspiel, BOS Clerk, Ms. Hunter, Town Tree Warden, Mr. Henderson

**GUESTS:** Memorial School Design Team, Mr. Urbas, Director of Finance and Operations, MERSD, Historic New England Representative, Ms. Demore

**PRESS:**

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Mr. Bodmer-Turner called the BOS meeting to order at 6:33 p.m.

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

### 0. Public Comment

Sheila Hill, 2 Running Hill Road – Ms. Hill asked if the Board had received her letter which included a request that her letter be included in the meeting documentation. Mr. Bodmer-Turner indicated Town Counsel had been consulted about resident's correspondence and it is optional for the Board to include those letters in Open Meeting Correspondence, historically the Board did not include resident's correspondence to the Board. The Chair will provide guidance on correspondence at the next meeting. Ms. Hill suggested the possibility of posting resident's letters on Dispatch to the website with other information around Dispatch.

Mr. Round asked about including all other communication that comes to the Board. Mr. Bodmer-Turner agreed.

### 1. Public Hearing -- Trees

*Ms. Jaques moved to open the Public Hearing on Trees; Mr. Round seconded the motion. The motion passed unanimously by roll call vote.*

Mr. Bodmer-Turner read the list of trees under consideration during the Public Hearing: 30" Oak, Memorial School, 20" Sugar Maple, 5 Tucks Point Road, 30" Eastern White

Pine, Jersey Lane, 20” Sugar Maple, 1 Willmonton Avenue, 24” Sugar Maple, Sacred Heart Church, 8” Norway Maple, Coach Field Parking Area and 30” Sugar Maple, Adjacent to Coach Field.

Ms. Jaques asked if Mr. Henderson had looked at the 30” Oak at Memorial School. Mr. Henderson had looked at the tree and expressed his concern about removing that magnificent oak for a sign on proposed concrete footings. The tree has a small amount of basal damage and an insignificant amount of rot, which the tree will self-repair. The tree could use some thinning and pruning. It is a native red oak with a matching pair across the street. Mr. Henderson hates to see the tree removed and strongly supports keeping the tree.

Mr. Bodmer-Turner asked if there were other trees the Board was interested in discussing. Mr. Boling stated he was interested in discussing the tree in front of Sacred Heart Church noting it was not in the best shape, but he was interested in hearing from interested parties around the tree’s removal. Mr. Henderson stated he also had reservations about that tree which he indicated was about 40% good and 60% in poor shape. Mr. Henderson stated eventually the tree would need to be replaced, it is in a prime location on School Street and with the Church support he suggests replacing this tree and the previously removed tree with a matching pair.

Mr. Round asked for the definition of a Town Tree. Mr. Bodmer-Turner indicated a Town Tree is a tree within 12 feet of a Town road.

Peter Minasian, 5 Woodholm Road requested extra care be taken when removing the Eastern White Pine on Jersey Lane to protect the tree next to it.

Ms. Kayserman, a member of the Memorial School Design Team asked to be allowed to make a presentation and share a screen. Ms. Kayserman stated the Design Team had appeared before the Conservation Commission and the proposed sign plans had been approved by the Commission. She also stated the sign was not going to be placed on a slab, however, it is believed the proposed work could significantly damage the tree.

Mr. Solien, Landscape Architect working with the Design Team stated the tree is located 36 inches from the pavement with no curb to offer protection. There are visible signs on the tree where trucks have travelled between the road and tree, and it appears the tree has been hit in the past. He added according to Mr. Mayer, an arborist, the basal cavity at the base of the tree extends into the tree 30% or 10 inches and the tree is unbalanced due to damage to the roots. He noted Mr. Mayer stated the canopy is healthy, but the base is damaged and believes the dominate oak in the back is healthier and would benefit from the removal of the tree in question. He suggested the public would enjoy a better view of the tree in the distance if the unhealthy tree was removed.

Ms. Kayserman, returned to the discussion of the sign which will be placed in the same location as the existing sign. She noted the Conservation Commission had approved the 9 sq. ft. of impervious area and the replacement of the tree with 2 new oaks. Additionally, there are under-plantings proposed for the sign. Mr. Boling asked if it was possible for the sign to stand on smaller footings. Mr. Lombardi, Chief Architect for the Memorial School project stated the sign matches the High School and Administration

signs which dictated the size of the columns and the footings and are part of the design elements. The three signs together help to create a “campus style” for District buildings.

Mr. Bodmer-Turner asked if it was possible to move the sign across the driveway. Ms. Kayserman stated the Conservation Commission had determined the opposite side of the driveway as a no build zone. Mr. Lombardi stated the team had been looking at the possible placement of the sign for more than a year. The tree does not really need to be taken down, but the roots will be damaged and if the tree is removed it will allow for the other tree to grow better and the planting of the proposed two new trees will grow with the Memorial School which is being built for 50 years.

Mr. Round stated the road will be milled and repaved. Mr. Lombardi agreed and stated digging and excavating will scrape the roots prior to the new asphalt going in. Mr. Boling asked for the timeline. Mr. Lombardi stated the tree would come down as soon as approved.

Ms. Jaques asked if the Design Team had considered all options. Ms. Kayserman stated the Conservation Commission did not want anything near the rain garden which is designed to retain water and other sites were considered and eliminated due to environmental and structural issues like pipes and electrical conduits.

Ms. Jaques asked how old the tree was. Mr. Henderson believes the tree is 75 to 125 years old and was not planted but part of the old Parson’s Farm. Mr. Henderson took exception to comments from the Design Team, indicating he did not agree the tree was in poor shape. He believes it is a beautiful tree with significant sentimental value and it would be a grave mistake to remove the tree.

Ms. Jaques asked Ms. Kayserman if the sign could straddle the conduit and pipes. Ms. Kayserman stated that any maintenance work to the conduit or pipes would disturb the sign.

#### Mr. Bodmer-Turner asked for Public Comment

Peter Minasian, 5 Woodholm Road, Mr. Minasian stated this is a healthy 30-inch oak tree and just shy of being a heritage tree which makes it a significant tree and asked that removing the tree be reevaluated.

Sandy Bodmer-Turner, 89 School Street, Ms. Bodmer-Turner stated it struck her there was little interest among the Design Team’s comments in preserving the 75-year-old tree. She would like the Board to keep Friends of the Trees and Mr. Henderson in the loop and requested the decision be delayed.

Suyin Mittermaier, 38 Sea Street, Ms. Mittermaier echoed the comments of Mr. Henderson and Ms. Bodmer-Turner and while she was listening, she hoped there was a chance for the Board to work with the Friends to preserve the tree.

Avi Urbas, Director of Finance and Operations, MERSD – Mr. Urbas thanked everyone for the District’s opportunity to serve the community. There had been multiple conversations and alternative options considered over the past year around the placement of the sign and the proposal put forward was considered the best option. That

said, the District will work with the Board and accept their decision. Mr. Urbas stated the sign provides function and if there is a better solution the District will support the recommendation.

Mr. Boling asked when the District went before the Conservation Commission was the tree in the purview of the Commission. Ms. Kayserman stated the tree is within the purview of the Commission because it is within 100 feet of the wetland buffer and the tree provides certain functions like shelter and food in the form of acorns and the new trees would replace the lost habitat. Mr. Lombardi stated they went before the Conservation Commission twice the second time when the Team proposed removing the tree and replacing the tree with two new trees because they anticipated damage to the tree.

Mr. Henderson had a suggestion. He proposed DPW mark out where the drain, pipes and conduit are located. Noting the tree can come down at any time, he did not agree with the speculation around the amount of damage to the tree. He appreciated Mr. Urbas' statement that the District would respect the decision of the Board and would work for a reasonable compromise.

The sense of the Board is additional information is needed and consideration needs to be given to the possibility of moving pipes and the electrical conduit. Mr. Bodmer-Turner concluded, this portion of the Tree Hearing will be continued allowing for the District and their architects to consider a different approach and to meet with Mr. Henderson to discuss options and alternatives.

*Ms. Jaques moved to continue the hearing on the Memorial School tree to August 16, 2021 at 6:30PM, Mr. Round seconded the motion. The motion passed unanimously by roll call vote.*

Mr. Boling stated he would like to hear from the Church prior to approving removal of the tree in front of Sacred Heart Church.

*Mr. Boling moved to continue the Public tree hearing on the 24" sugar maple in front of Sacred Heart Church to August 16, 2021 at 6:30PM, Ms. Jaques seconded the motion. The motion passed unanimously by roll call vote.*

*Ms. Jaques moved to close the Public Hearing on Trees; Mr. Boling seconded the motion. The motion passed unanimously by roll call vote.*

*Mr. Boling moved to approve removal of the following trees: 20" sugar maple at 5 Tuck's Point Road, 30" eastern white pine on Jersey Lane (and to not damage the adjacent tree), 20" sugar maple at I Willmorton Avenue, 8" Norway maple, Coach Field parking lot and 30" sugar maple adjacent to Coach Field playing field. Ms. Jaques seconded the motion. The motion passed unanimously by roll call vote.*

## **2. Board & Committee Interviews: Jennifer DeSimone – COA and Christopher Wood Kelly – CPC**

Mr. Federspiel stated Ms. DeSimone was unable to remain in the meeting due to a previous commitment and her interview would be rescheduled for the next Board meeting.

Mr. Kelly stated he had 19 years of experience on the CPC including the 5 years it took for the Town to successfully support Community Preservation. He pointed out the Board was familiar with the time he and Ms. Thorne had spent on the CPC and the successes that the Committee had experienced during their tenure.

Ms. Jaques asked if Mr. Kelly had any time constraints. Mr. Kelly stated he did not and understood the time the Committee required. Mr. Round, Mr. Boling and Ms. Harrison had no questions.

*Mr. Boling moved to approve Mr. Kelly to the Community Preservation Committee, Ms. Jaques seconded the motion. The motion passed unanimously by roll call vote.*

### **3. DIP Reappointment of Carley Cook**

*Mr. Boling moved to approve the reappointment of Ms. Cook to the Downtown Improvement Project Committee, Ms. Jaques seconded the motion The motion passed unanimously by roll call vote.*

### **4. Consent Agenda**

- BOS Meeting Minutes – July 22
- Historic New England Review of Preservation Restrictions

Mr. Boling stated he was not clear on the property located at 9 and 11 Coolidge Point Road and land held by Historic New England. Mr. Federspiel stated this in not a review of the property but a request for the Board to Approve Preservation Restrictions. Mr. Round asked who reviewed the document of behalf of the Town. Mr. Federspiel indicated the document was reviewed by Town Counsel for form and content and she had no objections.

Ms. Jaques indicated she had several questions. Ms. Demore stated she was happy to answer questions on behalf of Historic New England. Ms. Demore stated Historic New England is selling the property and the property will be under a restriction held by Essex County Greenbelt.

Ms. Jaques asked on page 6, section 5.5 demolition of the garage. Ms. Demore indicated the garage was not part of the historic preservation (it is a recent build) and the new owners will be free to expand and/or replace the garage. Mr. Bodmer-Turner noted there was nothing in the provision for substantial casualty. Ms. Demore stated a separate section around design addresses substantial casualty.

Ms. Jaques asked on page 15, section 14.2 what is non-exclusive jurisdiction. Ms. Demore stated in the event the property is litigated outside of the jurisdiction of Historic New England the provisions of the agreement remain in place. Ms. Jaques asked that all names and dates on the approval of Preservation Restrictions be updated and corrected prior to the Board signing.

*Mr. Boling moved to approve the Consent Agenda; Ms. Jaques seconded the motion. The motion passed unanimously by roll call vote.*

## **5. Correspondence**

- Letter from Xfinity re: TV Service Changes

## **6. Town Administrator's Report:**

1) Walkway: The new walkway between the Town Hall parking lot and Beach Street is ready. A small gas line had been hit causing more work to be done and slowing completion. Additionally, a private property owner needed to sign off on the walkway.

2) Tuck's Point Floats/Gangway – the project went back out to bid with a longer time for completion (by Memorial Day 2022.) The Town has received a more competitive bid and the project will go forward in the fall within the original budget.

3) Pump Track: The Parks and Recreation Committee expressed concern their recommendation to not proceed with the project was reversed by the Board. Mr. Bodmer-Turner met with the Committee to address their concerns. It is rare that the Board does not support a Committee's recommendations, however, the Board has that prerogative. Mr. Bodmer-Turner asked Max to wait until the Board has a chance to work through the Committee's concerns. The Board will revisit the project during the 8/16 meeting.

4) 3 Colburn Road: In the past the Building Inspector issued a cease-and-desist order to the owner of this property to stop its use as an event venue for commercial gatherings. These events differ from the occasional events resident's host for non-profits or family gatherings. These are for-profit events, with a cash bar and a schedule of regular events planned. An occasional commercial event is possible if the needed permits are obtained by the property owner. Permits have not been obtained for this event. Letters to the owner spelling out the various permits needed had been delivered. If the event goes forward, the Town will follow-up with fines and additional action may be necessary.

5) COVID: Along with the rest of the world, the Town is anxiously watching cases rise due to the Delta variant. The CDC has issued new guidelines recommending that masks be worn in indoor public places in areas that are seeing new outbreaks. Essex County is not yet one of these areas and the increase in new cases is being monitored. The BOH will be discussing the situation at their upcoming meeting.

6) Board Workshop: Will be held Saturday, August 14 beginning at 9:00 a.m. Please let Mr. Federspiel know suggested topics for discussion.

## **7. Other Matters, As May Have Not Been Reasonably Anticipated by the Chair** – There were no additional matters to discuss this evening.

*Ms. Jaques moved to adjourn to Executive Session not to return to the Open Meeting, Mr. Round seconded the motion. The motion passed unanimously by roll call vote.*

## **8. Executive Session:**

**Under M.G.L. Ch. 30A, Sections 21 (a)(2) To conduct strategy in preparation for Union Negotiations**

**Meeting Materials:**

Consent Agenda – as listed

Correspondence – as listed

Board and Committee Applications

Trees Designated for Possible Removal

Town Administrator's Report

**Upcoming Board of Selectmen Meetings:**

Monday, August 16, 2021