



MANCHESTER-BY-THE-SEA

SELECT BOARD • TOWN HALL
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MINUTES OF THE SELECT BOARD

May 2, 2022 6:30p.m. Virtual Meeting

Join Zoom Meeting, Meeting: ID 859 6397 7221 Passcode: 225266 Mobile: 1.646.558.8656

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

MEMBERS ABSENT: Ms. Jaques

STAFF PRESENT: Town Administrator, Mr. Federspiel, Ms. Hunter, Harbormaster Pike

GUESTS: Town Moderator, Mr. Wilson

PRESS:

Mr. Bodmer-Turner called the Select Board meeting to order at 6:31 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 – There was no public comment this evening.

Chairs Report:

1. Harbormaster Presentation on Reed/Masconomo Dock



Reed Park Phase II -
Fishermen.pdf

Mr. Pike discussed the original portion of Reed Park and the accommodation made so residents could get into the Park. The current expansion of the dock generated \$50K+ in revenue for the Town last season. The proposed expansion of an additional 500' of dock would likely generate \$150K annually and \$1.5M in a decade. The expansion will work as a funding source to maintain the harbor, including sea walls, equipment, and dredging.

The fishermen's facility currently being engineered will support seven lobstermen. Having commercial fishermen in Town has helped the community with the acquisition of \$1M in grants. The facility and slips will help older fishermen by moving them to slips and entice younger fishermen to work out of Manchester.

Mr. Pike noted there are two primary funding sources for the Reed Park expansion project -- the US Fish and Wildlife Grant and the Seaport Economic Development Grant. The US Fish and Wildlife Grant is due in September with the Seaport Development Grant due on November 1, 2022.

Ms. Harrison asked about the number of dinghies and would it be possible to keep those in the proposed redesign. Mr. Pike stated dinghies will be moved to another location along with Public Safety boats that will be moved for quicker access to open water. Ms. Harrison asked how many moorings would be displaced? Mr. Pike replied zero. There will be three fewer commercial vessels with the move to slips and other vessels will be moved closer to commercial vessels to create a channel.

Mr. Bodmer-Turner asked about the Pump Out Station and if the Station would be hooked up to the water and sewer line and how much that will cost. Mr. Pike stated the Pump Out Station will need to be hooked up to water and sewer he does not know the cost, but this Pump Out Station will likely be replacing the facility at Manchester Marine which currently goes into the sewer line. Mr. Bodmer-Turner also asked about the impact of a category 2 or 3 hurricane. Mr. Pike stated that would be catastrophic and horrible beyond description. Some steps like getting boats out of the harbor and storm moorings would help.

Charles Houghton, 3 Ox Pasture Road – Mr. Houghton stated he is not a fan of pilings, as Mr. Pike knows, he would like the visual impact of pilings minimized and suggested moving the Pump Out Station to the end of the dock closer to the railroad tracks. Mr. Pike stated the Pump Out Station could be moved that is open to discussion, however, the number of pilings is up to engineers and permitting agencies.

Mr. Bodmer-Turner thanked Mr. Pike and asked that the Board be kept in the loop. Ms. Mellish requested Mr. Pike present to the Finance Committee prior to proceeding. A meeting will be scheduled with the Finance Committee later this month.

2. Two Short-Term Paying Guest License Applications

Ms. Rebecca Steg, Property Manager for both 8 Harold St. and 12 Woodholm Rd. indicated the properties were owner occupied for more than 50% of the year and when the owners were not in Town, they are interested in renting the property for short terms.

Mr. Federspiel clarified that a license is required for less than 6 day stays if rentals are more than 6 days there is no license required. With that clarification Ms. Steg suggested tabling the application until she has time to discuss the applications further with the owners. Mr. Boling added that the Zoning Board definition of owner occupied 51% is the accepted definition.

3. Parking Survey

Mr. Bodmer-Turner introduced the discussion on adding two questions around outdoor dining to the Parking Survey. Ms. Harrison asked to whom the survey is addressed. Mr. Bodmer-Turner replied the survey is being sent to residents and businesses in the core village.

Mr. Boling asked about the ability to keep information anonymous if the information was being sent to a Town Committee. The question was also raised by Ms. Harrison, and it was decided that Mr. Federspiel would speak with Town Counsel around the issue of anonymity and the survey coming from the Downtown Improvement Project Committee (DIP).

Mr. Boling supports adding the question to collect data around outdoor dining and noted originally outdoor dining was set up to support restaurants during the pandemic as a temporary means of providing additional seating. When the Board shut down outdoor dining there was support for outdoor dining and the Board indicated it would review outdoor dining until such time that an informed decision could be made. This survey with questions around outdoor dining will provide data for the Board to make that informed decision.

The consensus of the Board is to include the two questions in the Parking Survey.

Sandy Rogers, 82 Old Essex Road – Ms. Rogers stated she works in Market Research and is aware of rules around the storage of personal data collected in surveys. She would also like to make suggestions about additional and possible expanded questions for the survey and asked who she should be in contact with. Mr. Bodmer-Turner suggested Ms. Rogers be in touch with the DIP Chair, Mr. Carhart.

4. Planning & Zoning

a. Move Zoning By-Laws to General By-Laws

1. Storm Water

Ms. Harrison stated she believes the change was recommended (moving Storm Water from the Zoning By-Laws) because Zoning By-Laws govern items when a Building Permit is being issued for construction. The goal of the move is to be able to enforce under the General By-Law outside of the Building Permit and construction process.

2. Curb Cuts

Mr. Bodmer-Turner expressed concern about shifting responsibility of curb cuts to DPW around the issue of authority and what happens if there is an appeal. Additionally, shifting responsibility to DPW puts curb cuts outside the Planning Board Special Permit process. Is the appeal authority with the Planning Board or the Select Board? These concerns will require clarification in discussions with the Planning Board.

Ms. Harrison, Mr. Boling, and Mr. Round are more comfortable with curb cut appeals remaining with the Planning Board and defer to the Planning Board's expertise.

3. Junk Cars – The Board had no specific comments around Junk Cars.

Discussion

Mr. Federspiel suggested that the Board may want to discuss the recommended changes with Mr. Dam, DPW Director and Planning Board Representatives. Mr. Bodmer-Turner stated he had discussed this with Mr. Federspiel and the Select Board could accept the recommendations of the Planning Board and then identify areas that need to be fine-tuned.

Mr. Round asked if the recommendations were a jurisdictional move and would the change require a two-thirds vote at Town Meeting. Mr. Wilson clarified that most Zoning By-Law changes require a two-thirds vote. Mr. Federspiel added that to modify the General By-Law a simple majority vote is required.

Ms. Harrison asked what the process would be for moving from the Zoning By-Law to the General By-Law. Mr. Wilson stated the Planning Board would like to adopt the change as a General By-Law and then vote to delete from the Zoning By-Law. Mr. Wilson has faith that the voters will follow that process.

Mr. Bodmer-Turner suggested asking Planning Board members to attend the next Select Board meeting. He noted the Select Board cannot modify the Planning Board recommendations. Mr. Federspiel stated the Board would benefit from a summary document outlining why the changes and recommendations were made.

The Board agreed to ask the Planning Board and Mr. Dam to join the Select Board at the May 16, 2022 meeting.

b. Discuss request to appoint Planning Board Members

Mr. Bodmer-Turner stated the Planning Board had voted to move from an elected Board to an appointed Board by a vote of 5-2. The question for the Board is to discuss and decide to include as a warrant during the Special Town Meeting in June.

Mr. Wilson discussed the process for making the change from an elected Board to an appointed Board with Town Counsel. There are two approaches to making the change. The first approach requires the implementation of two State Statutes, would not be accomplished until 2024, and is a difficult and complicated process on many levels. The second approach is to petition the General Court for a Special Act. Town Counsel and Mr. Wilson recommend the petition for a Special Act.

The Board discussed the options with Mr. Wilson and concluded that the timeline for June 11, 2022 was tight and it would be more advantageous to submit a Special Act for the Fall Town Meeting.

Sandy Rogers, 62 Old Neck Road – Ms. Rogers stated that 75% to 80% of all Towns had elected Planning Boards and suggested that the Board do more research as this would be a big change for the Town.

Cathy Bilotta, 21 Pine Street – Ms. Bilotta suggested a hybrid model with 1 or 2 elected members.

Gary Russel, 9 Magnolia Ave – Mr. Russel a Certified Professional Planner and former member of the Planning Board, Conservation Commission and Town Master Planning Committee stated he is favor of the move indicating it is important for members of the Planning Board to have relevant background and professional experience. It is important for members to have that education and experience when addressing complex issues. He stated there are examples of hybrid Boards.

Mr. Boling moved the Select Board support the request of the Planning Board to move from an elected Board to an appointed Board; Mr. Round seconded the motion. The motion passed unanimously by roll call vote.

Mr. Boling moved that the Select Board support moving forward through a Special Act of the Legislature; Ms. Harrison seconded the motion. The motion passed unanimously by roll call vote.

Ms. Harrison moved to defer the action on a Town Meeting Article to the Fall Town Meeting; Mr. Round seconded the motion. The motion passed unanimously by roll call vote.

5. Select Board Policies – Continued Discussion

The Board continued their discussions on revising Board policies. The policy on flag raising is currently limited to the US flag. With the new Veterans Honor Roll on the Common, there is friction over what gets flown on the flagpole and who manages the flagpole. The American Legion believes this as the Legion flagpole. The Board approved the placement of the Veterans Honor Roll, but it is on Town land and Mr. Federspiel believes the Select Board retains control over how the flagpole is used.

Mr. Federspiel also believes that the desires of the Legion can be met. The Legion wants the US flag and the POW/MIA flag flown all the time. A “special event or commemorative” flag can be flown as a third flag, below the two. Protocol is the US flag should be larger than the other flags.

The Board further agreed there are three Town flags. They are located at Tucks Point, the Fire Department and Town Common. Further discussion focused on protocols, Congressional Law, and Town practices. The Board concluded the flag at Tuck’s Point will be raised and lowered during the summer by the Town employee appointed by the Town Administrator. The flag at Tuck’s Point may also, according to Mr. Bodmer-Turner be raised and lowered for ceremonial purposes.

Mr. Boling asked for language around the flying of “other flags” on the Town Common be added to the First Read of this policy. The Board discussed adding a flagpole to Town Common and other ideas, it was concluded that the Flag Policy was not moving to a second read and will be amended with edits recommended this evening and consideration of additional language around “other flags” at the Board’s meeting on May 16, 2022.

6. Consent Agenda

- LGBTQ Flag Raising Ceremony, June 1, 2022

Ms. Watt-Bucci is requesting the Progress Flag (formerly known as the Pride Flag) be flown from June 1, 2022 to June 30, 2022 as it has been in the past. Ms. Watt-Bucci pointed out flying the flag is part of the celebration of Gay Pride Month. Unfortunately, in Town it has become contentious.

Decision on the Progress flag will be made at the Board meeting on May 16, 2022.

- Reid's Ride, 18th Annual 28 Mile Bike Ride, July 17, 2022

Ms. Harrison moved to approve Reid's Ride of July 17, 2022; Mr. Round seconded the motion. The motion passed unanimously by roll call vote.

- Town Hall Bench – Honoring Manchester-by-the-Sea Town Employees and Volunteers

Ms. Harrison moved the Town Hall Bench be inscribed as Honoring Manchester-by-the-Sea Town Employees and Volunteers; Mr. Boling seconded the motion. The motion passed unanimously by roll call vote.

- Approval of Minutes 4/4/22 – Mr. Bodmer-Turner held the minutes for edits.

7. Town Administrator's Report

Chebacco Road: Mr. Boling has made good progress speaking with Hamilton about the possibility of trying again to relocate the road. It looks like a vote at our June 11, 2022 Special Town Meeting could work. Final details need to be confirmed – aiming for a final decision at the Board's May 16, 2022 meeting.

Construction project updates: The DPW's paving work will be getting underway in May. Forest Street, Harold Street, and the end of Magnolia Ave. are slated to be repaved following the utility work done last year. Lining the water main on School Street will be taking place during June or July. This work will require detours and one lane travel. More details to come. The work on the new floats at Tuck's point is progressing well. The same contractor will be replacing brackets underneath the Rotunda to "shore up" the structure while the Town develops a longer-term fix.

EPA Building Blocks Cape Ann Resiliency Project: The first of two regional meetings was held on April 27, with a look at what vulnerabilities have been identified and a quick look at the simulation of a Category 3 hurricane hitting us. A more detailed presentation on this simulation will be made on May 18, 2022. The second EPA workshop, with a focus on priority regional needs, will be held May 23, 2022. More details to follow.

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

Mr. Boling moved to adjourn the meeting; Mr. Round seconded the motion. The motion passed unanimously by roll call vote.

Meeting Materials:

Short Term Rental Applications

Parking Survey

BOS Policies

Consent Agenda – as listed

Town Administrator's Report

Upcoming Select Board Meetings:

Monday, May 16, 2022

Monday, June 6, 2022