



MANCHESTER-BY-THE-SEA

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

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

Join Zoom Meeting, Meeting: ID 923 1054 6048, Passcode: 617379 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, Town Planner, Ms. Brown, DPW Director, Mr. Dam, Town Tree Warden, Mr. Henderson

GUESTS: Mr. Feuerbach, Mr. Olney, Ms. Mellish and Ms. Driscoll (Affordable Housing Trust)

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.

Mr. Boling noted last week was National Police Week and would like to recognize the Manchester Police Department for their work recently with the more than unusual activity in Town. Chief Fitzgerald will be at the Board meeting on June 7, 2021, to provide an update.

Governor Baker today announced changes to the State's reopening. Calling for a full reopening on May 29, 2021 and lifting the emergency mandate on June 15, 2021. The Board will discuss implications around these announcements under the last agenda item. Other matters, as may not have been reasonably anticipated by the Chair.

- **Public Comment** – There was no public comment this evening.
- **Public Tree Hearing – Possible Removal of 7 Trees & Collection of 3 Shrubbery Trees**

Mr. Bodmer-Turner moved to open the public hearing on proposed removal of 7 trees and a collection of 3 shrubbery trees, Ms. Jaques seconded the motion. The motion passed unanimously.

Mr. Boling read the list of trees and collection of 3 shrubbery trees into the record and asked Mr. Henderson to provide the Board with a summary of the tree's current conditions.

- **20" Norway Maple (Across from 102 School St.) – Old Rosedale Cemetery**
- **24" Sugar Maple (Across from 102 School St.) – Old Rosedale Cemetery**
- **30" Arborvitae, 20" 4 Leaser Trunk Wild Cherry & Clump Lilac – Old Rosedale Cemetery**
- **36" Red Maple – Old Rosedale Cemetery**
- **16" Norway Maple – Across from 1 Masconomo Street**
- **20" Sugar Maple – 38 Bennett Street**
- **18" Sugar Maple – 34 Old Essex Road**
- **24" Ash Tree – 1666 Cemetery**

Mr. Henderson provided the Board with a brief summary of the trees presented.

He stated the 20" Norway Maple across from 102 School St. – located in the Old Rosedale Cemetery is 50% rotted from the inside. The 24" Sugar Maple also across from 102 School St. and located in Old Rosedale Cemetery, looks fairly good but it is also suffering with internal rot. The 30" Arborvitae, is diseased with a fungus as is the 20" 4 Leaser Trunk Wild Cherry while the Clump Lilacs are in severe decline.

Mr. Henderson stated the 36" Red Maple in Old Rosedale Cemetery is in severe decline and presents a hazard to the stones in the cemetery. The 16" Norway Maple – across from 1 Masconomo Street is 75% to 90% dead. The 20" Sugar Maple at 38 Bennett Street has hard wood rot, is diseased and suffers as a result from run off from Bennett Street during the winter months.

The 18" Sugar Maple – 34 Old Essex Road is relatively healthy according to Mr. Henderson and he recommends trimming the tree, removing all dead branches and improving its unsightly condition from previous utility company trimming. He does not believe it presents a hazard and should remain with several good years of life left.

24" White Ash Tree – in the 1666 Cemetery This tree was requested to be removed by DPW. DPW is in the process of replacing the fence and railing and the tree is cutting into the granite stone around the Cemetery. Mr. Henderson agrees the tree is damaging the stone and wall.

Ms. Jaques asked about item #3 specifically asking how old the Arborvitae was. Mr. Henderson believes it is likely 50 years old, but there is damage to the existing 3 trunks and one trunk has already been removed. Ms. Jaques is also interested in trees #7 and #8, Mr. Bodmer-Turner is curious about the shrubberies in the tree removal hearing and would like to hear more about tree #7 the #18" Sugar Maple at 34 Old Essex Road. Ms. Harrison and Mr. Round are also interested in the #18" Sugar Maple at 34 Old Essex Road.

The 34 Old Essex Road homeowners, Mr. and Mrs. DeCarvalho requested the tree be removed because there are large dead limbs on the tree and the Utility Company did a

poor job of pruning the tree. Mr. Henderson agreed the tree needed additional pruning but the tree can be saved and recommended additional pruning and preserving the tree. The homeowners are willing to work with Mr. Henderson and recognize the value of keeping the tree as long as additional pruning removes all dead branches.

Tree #8 will be difficult to replace but it is damaging the 1666 cemetery wall which is scheduled to be repointed and the railings replaced. At some point in time the wall will be further damaged by the tree and the decision according to Mr. Dam is between the wall and the Civil War Cemetery.

Sandy Rogers, 82 Old Essex Road – Ms. Rogers stated she believes tree #6 the 20” Sugar Maple at 38 Bennett Street looks green and healthy and believes the Ash tree in the 1666 Cemetery should also be saved and suggested adjusting the wall rather than removing the tree.

Jack Burke, 16 Ocean Street – Mr. Burke stated he would like to see the Ash tree remain but it is leaning toward the sidewalk and cannot be repaired. The decision is between a 70 year old tree and a 300 year old fence. Mr. Dam stated he will review the Ash tree again.

Mr. Bodmer-Turner moved to close the evidentiary portion of the hearing; Ms. Jaques seconded the motion. The motion passed unanimously.

Mr. Bodmer-Turner moved to approve removal of the 20” Norway Maple (Across from 102 School Street) Old Rosedale Cemetery; Ms. Harrison seconded the motion. The motion passed unanimously.

Mr. Round moved to approve removal of the 24” Sugar Maple (Across from 102 School Street) Old Rosedale Cemetery; Mr. Bodmer-Turner seconded the motion. The motion passed unanimously.

Mr. Round moved to approve removal of the 30” Arborvitae, 20” 4 Leader Trunk Wild Cherry and Clump Lilac in Old Rosedale Cemetery; Ms. Harrison seconded the motion. The motion passed unanimously.

Ms. Harrison moved to approve removal of the 36” red maple in Old Rosedale Cemetery; Mr. Round seconded the motion. The motion passed unanimously.

Ms. Jaques moved to approve removal of the 16” Norway Maple, across from 1 Masconomo Street; Ms. Harrison seconded the motion. The motion passed unanimously.

Mr. Bodmer-Turner moved to approve removal of the 20” Sugar Maple at 38 Bennett Street, Ms. Jaques seconded the motion. The motion passed unanimously.

The 18” Sugar Maple at Old Essex Road will not be removed. The Board supports pruning dead material and keeping the tree. Mr. Henderson will follow up with the homeowners.

Mr. Bodmer-Turner moved to approve removal of the 24" Ash Tree in 1666 Cemetery, Ms. Jaques seconded the motion. The motion passed unanimously.

- **Manchester Affordable Housing Trust – Update Re: Possible Use of DPW Land**

MHA/MAHT Consultant Analysis of Development Options for MHA Sites and Pleasant Street

BOS Presentation, May 17, 2021, by Mr. Feuerbach

Report Summary (NOTE: still a preliminary concept)

Newport Park – Possible addition of 3 or 4 story or single-story new building with 18-24 new 1 & 2 BR units. Rental

The Plains – Possible addition of 3 or 4 story new building with 26 1 & 2 BR units. Rental

Loading Place Road – Possible replacement of existing units with 6 duplexes totaling 12 new units. Rental

Pleasant Street – Possible multiple low scale buildings totaling 30 units. Rental

Concept Total – approximately 92 additional units. Current MHA Unit Total – 84.

Site Background: The properties at Newport Park, the Plains and Loading Place Road are technically State Public Housing and are governed by the Massachusetts Department of Housing and Community Development (DHCD), not the Federal Department of Housing and Urban Development (HUD). HUD and the Federal Government have undertaken several innovative approaches to renovating and incorporating conventional housing and partnerships with private entities for its public housing communities across the country.

Massachusetts has done little. There have been a few demonstration programs, with little if any success – and those have been tried in much larger municipalities with more sophisticated housing authorities. There is no existing legal framework in place to allow the MHA to partner with a private developer or change the use or even the types of apartments, or State funding for planning. This means that any proposal based on the vision presented in the Consultant Report will have to break new ground and attract support from the DHCD to proceed.

Consultant Plan Considerations:

A. Site Legal Context – The Land parcels are owned by the MHA. Although the Commonwealth of Massachusetts is not listed by the assessor as an owner, the MHA is considered a state agency – and State Law governing the way State-owned land is managed and disposed of, even by lease, comes into play. The matter of ownership and any deed restrictions or easements on the properties need to be carefully evaluated. This is not to imply that a program is unfeasible, it just means that there will be some State-mandated procedures to follow.

B. 1—1 Match of New to Existing Units – In previous DHCD demonstration projects, new units of low-income housing must equal at least 100% of the existing units. In other words, the State would require that a renovation plan must double the total number of units. For the MHA, this would mean an additional 84 units for a total of 168. With 30 units at the DPW site, the Consultant Plan included 92 new mixed-income housing units. We will need to work closely with supporters, legislators and DHCD to see if there is flexibility here. Clearly, including units on the Pleasant Street property as part of the plan is crucial in the current context.

C. New Units Must Be on Land Separate from the MHA Units – By law, all new units that are not public housing must be located on land that is not owned by the MHA. The consultant assumption is that new units would be built on excess land at the three existing MHA sites, accomplished by a subdivision plan, perhaps with a long-term lease. Does this mean that the land must be declared surplus and State mandated procedures followed to transfer this land to a new entity? It is not clear at this point. It is assumed that the State would agree to consider other Town-owned sites such as the Pleasant Street site provided the cost to acquire does not sink the deal. If the MHA sites were to be subdivided, the Town would need to determine what variances would be needed, what easements must be provided and what the process would be for transferring the subdivided parcels to a new entity.

D. Decoupling of New and Current MHA Units – Transfer of Cash Flow and Proceeds? In the worst case noted above, the construction of any new units would need to be completely de-coupled from the MHA sites. If so, a challenge is to establish a mechanism whereby funds generated by the new units be made available to support the MHA units. Note that a key part of the Consultant Plan is the generation of revenue from the development of new units providing an economic basis for the rehab of the MHA units. The new development entity – probably a partnership – would have to have some form of an operating agreement that would define how the funds from operations would flow, perhaps through the MAHT, to the MHA for the repair work and to help with ongoing operations.

E. Occupancy Opportunities – Could existing senior units, especially second floor walk-up units, be traded for senior units in new accessible buildings, if the overall number of PHA units, remained the same? Possibly. This is an attractive opportunity that has been discussed with current residents. This needs exploring, but an important aspect of the Consultant Plan was to infuse private or private housing funds to buttress the existing units.

Next Steps:

1. Outreach and Engagement – Both the MHA and MAHT are committed to continuing outreach and engagement efforts to include residents of the properties, neighbors, Town Boards and other stakeholders in the planning process.
2. Decision on Pleasant Street – One critical, time sensitive matter is to determine if the Town will support repurposing the Pleasant Street site for new housing. It is our sense there is support for this, coming out of the community Master

- Plan process and the Town's recent interest and show of support for community affordable housing. As noted above, the Pleasant St. site is important as a possible financing vehicle for the MHA units. Would the Town consider providing the site at a reduced selling price to provide operating cash to support the MHA properties? At some point, the potential sale of the DPW will require several Town meeting approvals, including the selection of a new site for the DPW and to approve the cost of a new facility. BOS guidance on these points will be helpful as we consider the timing of a Developer Request for Proposals.
3. Development Partner – The MHA will need to engage a potential development partner to help navigate the financial, legal and political issues that involve DHCD and other state agencies. There are several non-profit organizations who have expressed strong interest in working with the MHA and the Town to develop and manage these community affordable housing properties. Any Request for Proposals would have to be approved by DHCD and governed by State Laws.
 4. DHCD Engagement – We must continue to engage aggressively with DHCD and other agencies as well as our State Legislators to untangle some of the policy issues that can derail the innovation required to implement the project. It might even serve as a model for the redevelopment of other State Public Housing properties.

Board members unanimously thanked the Trustees for their work on behalf of Affordable Housing in Manchester. Mr. Boling concluded the proposal will take additional meetings to process, identify and consider specific next steps.

Mr. Bodmer-Turner indicated the Trust may require the Boards legal opinion in support of the project. Both Mr. Bodmer-Turner and Ms. Harrison believe additional work needs to be completed around the legal process for acquiring land both on Pleasant Street and around the MHA properties.

Ms. Harrison specifically requested the Pleasant Street property, given its close proximity to downtown might be suitable for three story structures using the proposed single story footprint.

Mr. Boling does not believe it is wise to move forward without the Pleasant Street site and planning around Pleasant Street may have additional clarity in late fall of 2021 and early 2022. Mr. Boling indicated Ms. Driscoll is the BOS representative to the Trust and the designee to report to the Board on progress.

- **SLV Mass Housing Comment Letter Discussion**

Mr. Boling deferred this agenda item to the June 7, 2021, BOS meeting.

- **Plans for Dispatch Options Discussion (June 7th)**

Mr. Boling stated the Board will be holding public forums related to Dispatch and engaging the Finance Committee and other Town Boards in the process. Initial materials will be presented at the June 7, 2021 meeting. The following Board meeting is Annual Town Meeting which leaves July 6, 2021 and July 19 2021 meetings for

preparation and presentation of additional materials. The Board currently has Dispatch Presentations from the Fire and Police Chiefs and the Town Administrator and will develop a FAQ sheet.

Ms. Jaques suggested it would be helpful to clarify how the current Regional Dispatch Center functions differently from the first Regional Center and improvements that have contributed to the changes. Mr. Boling agreed a timeline would be a good idea. Mr. Round is interested in developing FAQ's addressing current comments from the public. Ms. Harrison stated she would like to see the cost comparison developed with two full time employees, indicating otherwise the two operations are not equivalent.

Mr. Boling summarized what is needed:

- Timeline
- FAQ
- Website – up with supporting materials by June 1, 2021
- Printed Materials
- Editorial Comments
- Presentations on June 7 and July 19, 2021

- **Upcoming Board/Committee Appointments**

Ms. Nathan is currently working to determine how many Committee and Board members are interested in being reappointed. Following that process open positions will be posted in the *Cricket*. Mr. Federspiel stated the process is typically completed by the end of June.

It is time to get the word out that volunteers are needed.

- **Consent Agenda**

- BOS Meeting Minutes – May 3, 2021
- IT Collaborative Agreement
- Bravo on the Beach – Common Victuallers License
- Approve Town Counsel for Regional Public Health Intermunicipal Agreement
- Allie's Beach Street Café – Change in Hours of Operation

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

- **Correspondence**

- Letter from Resident re: Watershed Protection

Ms. Bethell provided the Board with a comprehensive package of information around Watershed Protection. Mr. Boling recognizes it is a lot of material to process and recommended discussing at a later Board meeting. Mr. Gang, Chair of the Conservation Commission noted Ms. Bethell inadvertently presented the material as from herself and the Open Space Committee. Mr. Gang stated the package of information was endorsed by the Conservation Commission to add weight to the importance of the request.

- **Town Administrator's Report**

- 1) **Solid Waste and Recycling Collections:** Bids have been received from three vendors – Waste Management, JRM and Casella. A quick review would seem to give the bid to JRM, but we need to complete a final review. A recommendation for your approval will be provided at the June 7th 2021, meeting.
- 2) **Elections:** Town elections are set for Tuesday, 5/18. Town Clerk Dianne Bucco has done a great job getting things ready. We anticipate a smooth day and hopefully residents will take the time to vote. Planning Board is the only contested race.
- 3) **ATM June 21:** Annual Report and Finance Committee Booklet are at the printers, both will be delivered to all homes a week prior to ATM. I will prepare talking points for the various articles.
- 4) **COVID Clinics** – Conley’s continues to offer “pop-up” clinics. Vaccines are now available to ages 12 years and older. Work on a regional clinic that Bruce Tarr has been helping to get established is getting closer to reality. These will likely be in Gloucester, Ipswich and Topsfield with occasional clinics in additional communities, including Manchester. Clinics will be run by local BOH.
- 5) **BOH Updates:** The BOH recommended the appointment of Pam Crehan as our new Public Health Nurse. Ms. Crehan is being trained on various aspects of the job and will be ready to begin work in a week. Additionally, Hamilton led an effort to obtain grant funds to hire a regional Public Health Nurse for the four communities of Wenham, Hamilton, MBTS and Essex. This person will complement and support the efforts of the part-time nurses each of the four towns currently employ. The grant is also funding a ¾ time mental health specialist to be a resource for the two Regional School Districts and the general population of the four towns. The grant is for three years.
- 6) **Senior Center Options:** Mr. Bodmer-Turner, Ms. Harrison and I met to discuss the various options and possible next steps. At the last meeting I had mentioned the new option of joining forces with Cornerstone Church in developing their new site. Before we go too much further with any of the options, we should have an appraisal done of the Mason’s Building completed. With the appraisal we will be able to have an informed discussion about the options. The appraisal is scheduled for June.

- **Other Matters, as May Have Not Been Reasonably Anticipated by the Chair**

Governor’s announcement could potentially change many planned events for Summer 2021:

- Opening of all businesses has been moved up to May 29, 2021
- Masks will no longer be required, however, that is being left up to private businesses with a few exceptions, public transportation, hospitals, schools and more
- On June 15, 2021, the Governor will lift the State of Emergency

- The Board wondered if the decision would rescind Zoom Meetings and allow for in-person meetings
- Mr. Federspiel stated the Town has budgeted for additional technology to provide for hybrid meetings but this won't be ready until late summer.
- Outdoor dining and the serving of alcohol, may be impacted with the lifting of the emergency order
- Ms. Jaques asked about fireworks and the possibility of a July 4th parade
- Mr. Boling indicated some of those decisions are difficult to reconsider given the amount of lead time necessary to plan and execute the events.
- Ms. Jaques thought if the events could be pulled together it would be a nice thing to do
- Mr. Boling will speak with Ms. Marshall, Director of Parks & Recreation and determine what is possible for the Town to support for July 4, 2021
- Primary questions remain around Public Meeting Laws and Restaurants and Outdoor Dining.
- Board will make final decisions at the June 7, 2021 meeting.

Ms. Jaques moved to adjourn the meeting; Mr. Bodmer-Turner seconded the motion. The motion passed unanimously.

Meeting Documents:

- Consent Agenda as listed
- Request from Tree Warden, Mr. Henderson
- Manchester Affordable Housing Trust – Presentation Materials
- List of Boards and Committee 2021 Appointments
- Correspondence as listed.
- Town Administrator's Report

Upcoming BOS Meeting

- Monday, June 7, 2021
- Monday, June 21, 2021 (Annual Town Meeting)