



# MANCHESTER-BY-THE-SEA

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

## MINUTES OF THE SELECT BOARD

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September 15, 2022

6:30 p.m.

Hybrid Meeting

Join Zoom Meeting, Meeting: ID 830 2116 4007 Passcode: 373564 Mobile: 1.646.558.8656

**MEMBERS PRESENT:** Ms. Jaques, Chair, Ms. Harrison, Vice-Chair, Mr. Round, Ms. Bilotta, and Mr. Sollosy

**MEMBERS ABSENT:**

**STAFF PRESENT:** Town Administrator, Mr. Federspiel, Tree Warden, Thomas Henderson

**GUESTS:**

**PRESS:**

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Ms. Jaques called the Select Board special meeting to order at 6:30 pm and five members were present by roll call.

**1. Public Tree Hearing:**

*Ms. Jaques moved to open the public hearing on the 10 public shade trees/heritage trees as listed in the public hearing; Mr. Round seconded. Motion unanimously approved by roll call vote.*

**40” Pine, 12 Jersey Lane** – Mr. Henderson informed the Board that the tree may have been hit by lightning, not healthy and is hazardous to the surrounding homes. He feels that the surrounding trees would benefit from its removal.

Ms. Jaques stated she does not like to take trees down but if the other trees would benefit from the removal, it is something to think about.

Mr. Sollosy asked Mr. Henderson how much of a hazard? Mr. Henderson stated he wouldn't feel comfortable if he lived adjacent to it.

*Mr. Round moved to remove the 40” Pine at 12 Jersey Lane; Mr. Sollosy seconded. Ms. Harrison abstained, Mr. Sollosy yes, Ms. Bilotta yes, Mr. Round yes and Ms. Jaques no. Motion approved 3-1-1*

**14” Zelkoba, 83 Pleasant Street** – Mr. Henderson informed the Board that it is a healthy tree, but it has many split leaders that have pockets of decay in them. In his opinion there are things that can be done to save the tree.

Mr. Round asked if splitting apart is a dangerous situation? Mr. Henderson stated that the tree has moderate issues with smaller branches that reach the resident’s home, but it could be braced or cabled to keep the tree. It is a common issue with this type of tree if it is not properly pruned and the town has several others around town.

Jeff Fauci, 83 Pleasant Street informed the Board, the tree is situated within his driveway. It is a town tree and power lines are going through it. He would like to have it removed to allow more light into his home, which is very minimal from the Pleasant Street side. He would keep the larger tree that is also in his front yard..

Ms. Jaques stated that when she drove around town to view the trees and it has been a tough year for trees. She doesn’t see the sense to remove a healthy tree. She understands Mr. Fauci’s desired for its removal but if we could have it pruned in a way to help, this would be her preference.

Mr. Henderson stated that he could help the tree and if the homeowner is still not happy, the tree could come back for continued review at a later date. He would like to save as many trees as possible. He suggested to cable the tree.

Mr. Fauci stated he is trying to do the right thing. His house is completely shaded due to these two town trees, and it is rotting his house and roof.

Mr. Henderson offered to go over to 83 Pleasant and show how it can be pruned. It can be done in a way to allow more light onto his house. Ms. Jaques asked if Mr. Fauci will speak with the Tree Warden to help with issues with the tree and DPW can help coordinate this with Mr. Henderson. If you are not happy, it could come back next year. Mr. Fauci informed the Board he would be happy to speak with Mr. Henderson.

*Mr. Round moved to not remove the 14” Zelkoba at 83 Pleasant Street; Mr Sollosy seconded. Ms. Harrison abstained, Mr. Sollosy yes, Ms. Bilotta yes, Mr. Round yes and Ms. Jaques yes. 4-0-1*

**40” Sugar Maple, 23 Tappan Street** - Mr. Henderson stated that this is a beautiful, mature Sugar Maple tree but on the south side, a limb was torn from it a while ago and there is a large cavity in the tree now. He feels that it will continue to decay if kept. This is the situation that can happen if any injury occurs to a tree and it is not taken care of. He is recommending that it be removed.

Peter Gamage, 23 Tappan Street, stated he has requested for the tree to be removed

Mr. Round stated is a good-looking tree but it is only half a tree. Agrees that it should be removed.

*Ms. Bilotta moved to remove the 40” Sugar Maple at 23 Tappan Street; Mr. Round seconded. Motion unanimously approved by roll call vote.*

**20” Ash, 40 Pleasant Street** – Mr. Henderson stated that the tree has been hacked by people working on the power lines. It looks healthy but on the back side there is a cavity. If it was kept like that it would decline further. The homeowner would be happy to replace the tree. He recommends removal.

Ms. Jaques asked if the tree is a current hazard? Mr. Henderson said that is a tough call, he is unsure if the tree will fall. He sides with the homeowners for removal.

Mr. Round stated that the wires are through the tree. Mr. Henderson said that the utility companies notify the Town when they will be performing any pruning and they have a certified arborist. They have safety standards, and this is why trees get pruned a certain way. A tree limb needs to be at least 10 feet from the line.

Peter Minasian, 5 Woodholm Road, spoke on keeping as many trees as possible. This particular tree is very healthy and why can't we wait a year. Don't leave the pruning up to National Grid. They leave the limbs right on site and they do it very quickly.

Sandy Bodmer-Turner, 89 School Street, have two questions for the Tree Warden. She asked if Mr. Henderson feels the tree is a hazard and if there is any concern about the hazard with the powerlines, could that be helped by a skillful pruner? She looked at the tree and the wound on the Ash has been closed over.

Mr. Henderson does agree with Mr. Minasian and there is no great hazard with the tree. It has nice color, gets plenty of water there and he feels there is no harm to leave it. The tree could be pruned to balance it out.

*Mr. Round moved to not remove the 20” Ash at 40 Pleasant Street; Mr. Sollosy seconded. Motion unanimously approved by roll call vote.*

**14” Sugar Maple, 5 Knight Road** – Mr. Henderson stated that the tree is about 90% dead. He recommends removal.

*Ms. Harrison moved to remove the 14” Sugar Maple at 5 Knight Road; Mr. Round seconded. Motion unanimously approved by roll call vote.*

**18” Maple, 6 Windemere Park Extension** – Mr. Henderson stated that it was a double leader at one time, and one leader is gone. There is some decay in the pocket and the homeowners are nervous of that section coming down. The homeowner Mr. Bennett spoke with a representative of the Friends of Manchester Trees and is now having second thoughts to its removal.

Ms. Jaques expressed that if the homeowner is having some reservations, that we should try and prune it before removing it.

*Mr. Sollosy moved to not remove the 18" Maple at 6 Windemere Park Extension; Ms. Harrison seconded. Motion unanimously approved by roll call vote.*

**6" and 8" Green Ash, Beach Street in front of Cala's and Mahri** – The Board agreed that they need to be removed as both tress are nearly dead.

*Ms. Harrison moved to remove the 6" and 8 Green Ash trees in front of Cala's and Mahri; Ms. Bilotta seconded. Motion unanimously approved by roll call vote.*

Ms. Jaques asked if they will be replaced. Mr. Henderson informed the Board that it is a tough area, and we can see how we can grind them out. He will look to see what the town can get.

Sandy Bodmer-Turner, 89 School Street, stated that the Friends would be happy to work with Mr. Henderson.

Peter Minasian, 5 Woodholm Road, would like to see the downtown with some arbor present. He suggested a Honey Locus tree to Mr. Henderson.

**18" Ash, 120 Pine Street** – Mr. Henderson stated that the tree is about 80% gone and not much that can be done.

*Ms. Harrison moved to remove the 18" Ash at 120 Pine Street; Mr. Sollosy seconded. Motion unanimously approved by roll call vote.*

**24" American Ash, 41 Pleasant Street** – Mr. Henderson informed the Board that the tree was pruned about 5 years ago and it has some crown decline. The Tree might linger for another year in the current state, and he will keep an eye on it. There are treatments that could save the tree. He prefers to keep the tree and see it stay for another year.

Ms. Jaques asked if pruning would be done now or in the spring. Mr. Henderson answered that the drought could be affecting the tree so lets try to keep the tree and review back in the Spring. He will look at the tree again to see if it needs a little pruning.

Richard Shapino, 41 Pleasant Street, stated branches come down after every storm. There is a large hole in the tree and the bark comes right off. It is huge tree, and if it were to fall it would destroy his home and his neighbor's home, depending on how it fell. He feels it is a hazard and needs to be removed.

Fred Johnson, 39 Pleasant Street, informed the Board that the town is not seeing any branches because they are constantly picking them. He asked for the Town to test the tree now.

Mr. Henderson stated that this type of Ash trees always drops branches.

Ms. Shapino stated that the hole is huge. Mr. Henderson will take a look at it in a month, and he feels the tree will not fall down.

Ms. Jaques suggested to put a hold on this tree until Mr. Henderson can assess the tree.

Mr. Henderson stated he will cut a branch at the top, pull back the bark, and check for emerald ash flora then we will know if it is a serious situation.

Mr. Shapino asked to receive the results of the test. Mr. Federspiel informed him he will be emailed the results.

Ms. Jaques addressed that the tree will be discussed again on November 7<sup>th</sup>.

*Ms. Harrison moved to continue the hearing for the 24" American Ash at 41 Pleasant Street to November 7, 2022; Mr. Round seconded. Motion unanimously approved by roll call vote.*

**20" Ash, 16 Highwood Road** – Mr. Henderson stated the tree is in bad shape.

*Ms. Harrison moved to remove the 20" Ash at 16 Highwood Road; Mr. Round seconded. Motion unanimously approved by roll call vote.*

**34" Red Oak, 26 Old Essex Road** – Mr. Henderson stated it is a beautiful tree and it is healthy. The homeowner is concerned that the roots are in his sewer and utility lines. It is well beyond the roadway and the homeowners is having some trees taken down in the back and he would like to take this tree down for the safety of his house.

Ms. Jaques asked if it was a heritage tree. Mr. Henderson stated that he feels the definition of a heritage tree is much larger and believes that Red Oaks are considered heritage up in the 40" range.

Ms. Harrison thought our tree policy addressed heritage trees as 30" at breast height regardless of the type of tree. Mr. Henderson said it was 34". Ms. Harrison asked for Ms. Bodmer-Turner to address.

Sandy Bodmer-Turner, 89 School Street, informed the Board that the definition of a heritage tree in the Town's Tree Policy is 32" diameter at breast height regardless of the species.

Patrick Ring, 26 Old Essex Road, has lived on the street for 67 years and has observed this tree all those years. He knows it's a beautiful tree, but he feels it is slowly dying and dropping limbs around his house constantly. The roots run under the foundation and out the other side. He is concerned about the sewer line. With the weather in New England and the tree leaning towards the house, he feels it is very dangerous.

Ms. Harrison asked what is the Town's responsibility over heritage trees? Mr. Federspiel informed her that the Board has veto power over heritage trees being removed.

Patrick Ring, 26 Old Essex Road, stated he is a contributor to the Friends of Manchester Trees and another issue is that he has other town trees on his property. One dropped a large limb yesterday and almost hit a car that was parked. He stressed that he is concerned for the limbs that could fall on his house.

Ms. Jaques would not like to see the tree go but with the roots going through the foundation, that is an issue.

Ms. Bilotta asked what disturbing the foundation really means. Mr. Ring answered that it is a cinder block foundation and the roots are coming through.

*Ms. Bilotta moved to permit the removal of the 34" Red Oak at 24 Old Essex Road; Mr. Round seconded. Motion unanimously approved by roll call vote.*

2. **Executive Session per MGL. Ch.30A, Section 21(A)(2) to conduct strategy with respect to contract negotiations with Clerical Union, if any open meeting may have detrimental effect on the negotiating position of the public body and the Chair so declares.**

*Ms. Jaques moved to adjourn the public hearing to Executive Session not to return to open meeting; Ms. Harrison seconded. Motion passed unanimously by roll call vote.*