

MINUTES OF THE BOARD OF SELECTMEN

July 26, 2021

Town Hall, 139 Main Street, Rowley, MA

7:00 p.m.

MEMBERS PRESENT: Chairman Cliff Pierce; Vice Chairman Deana M. P. Ziev; Clerk Robert Snow; Joe Perry, David Petersen (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon)

PUBLIC ATTENDEES: Matt Brown – Light Department; Richard Hirst; Karen and Frank Carideo; Kim Richardson; Zaccary Stack; Sebastian Beuchelt; Ryan Kaminski; James Broderick – Fire Chief; Paige Mariscal; Bryan DiPersia – RMLP Commissioner; Police Chief Scott Dumas; Kevin Moriarty – Anonymous Brewing; John McCarthy; William Sheehan; Chris Hilbert; Stu Dalzell

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 7:00 p.m. He said the meeting is being video recorded and televised live by Rowley Community Media.

7:00 p.m. APPOINTMENT Fire Chief James Broderick to present the following individuals for appointment as Probationary Call Firefighters:

- Sebastian Beuchelt
- Ryan Kaminski
- Zachary Stack

Fire Chief Broderick said he is here to introduce three gentlemen that he is requesting be appointed as Probationary Call Firefighters, so that they can attend the next recruit class. He said there are three more coming. He introduced them to the Board.

Ryan Kaminski said he lives in Topsfield with his parents, he attended North Shore Community College and he will be getting his EMT certification in the next couple of weeks. He said he started college at Gordon, but didn't like the degree he was pursuing in business, and after speaking with a local Fire Chief, he became interested in working in a Fire Department. He thanked the Town of Rowley for this opportunity.

Sebastian Beuchelt said he is new to Rowley, he has been a ski patrol for quite some time, he wants to help the community, so he decided to join the Fire Department.

Zachary Stack said he lives in Newburyport with his father and works at Knowles Gas Station. He said he is generally new to Rowley, he graduated high school in 2020, has taken an EMT course and he wants to join Emergency Services.

Dave Petersen made a motion to appoint Sebastian Beuchelt, Ryan Kaminski and Zachary Stack as Probationary Call Firefighters, Bob Snow seconded, all in favor – aye (5-0).

7:05 P.M. TO 7:10 P.M. PUBLIC COMMENT

There were no Public Comments.

GENERAL BUSINESS

1. Request from Police Chief Scott Dumas to lift the hiring freeze for the position of full-time patrol officer

Bob Snow made a motion to lift the hiring freeze for the position of full-time patrol officer, Dave Petersen seconded, all in favor – aye (4-0). Deana Ziev - ABSTAINED

2. Request from COA Director Ellie Davis to lift the hiring freeze for the position of Activities Director/Transportation Coordinator

Bob Snow made a motion to lift the hiring freeze for the position of Activities Director/Transportation Coordinator, Joe Perry seconded, all in favor – aye (5-0).

3. Approve donations to the Council on Aging

Dave Petersen made a motion to approve the donations to the Council on Aging, Bob Snow seconded, all in favor – aye (5-0).

4. Approve donation to the Police Department

Joe Perry made a motion to approve the donations to the Police Department, Dave Petersen seconded, all in favor – aye (4-0). Deana Ziev - ABSTAINED

5. Appoint Liam Murray to the position of Pumpout Boat Operator

Deana Ziev made a motion to appoint Liam Murray to the position of Pumpout Boat Operator, Joe Perry seconded, all in favor – aye (5-0).

6. Appoint Keith MacDonald to the position of Water Treatment Operator1/Assistant Chief Operator

Bob Snow made a motion to appoint Keith MacDonald to the position of Water Treatment Operator1/Assistant Chief Operator, Deana Ziev seconded, all in favor – aye (5-0).

7. September 11, 2001 Memorial Community Service hosted by the First Congregational Church of Rowley

Chairman Pierce read the email from Deborah Eagan regarding September 11. Petersen, Pierce, Ziev, and Perry said they will attend. Snow said he is unable to attend.

8. Letter from Merrimack Valley Planning Commission regarding Merrimack Valley Metropolitan Planning Organization Representative

Chairman Pierce read the following:

This letter informs the Board of Selectmen that Bob Snow has been serving as the representative of Subregion 2 of the Merrimack Valley Metropolitan Planning Organization (MVMPO). Bob's term is finishing at the end of August, and the three towns in Subregion 2, Rowley, Newbury, and West Newbury, need to collectively choose a representative to serve on the MVMPO. The three towns can choose to continue having Bob serve as the representative or the three towns can choose a new representative. Bob Snow will discuss this further.

Snow said he is willing to continue to serve.

Dave Petersen made a motion to appoint Bob Snow as the representative of Subregion 2 of the MVMPO, Deana Ziev seconded, all in favor – aye (4-0). Bob Snow – ABSTAINED

Eagan said this is a collaboration between the three towns in the subregion. Snow said he has put his name forward and to let Jerrard Whitten know that he has been appointed in Rowley.

9. Neurofibromatosis Northeast Coast to Cure Bike Ride on September 11, 2021

Chairman Pierce read the following:

Please see the attached request from Neurofibromatosis Northeast for their Annual Coast to the Cure Bike Ride to come through Rowley on September 11, 2021. The Rowley roads included are Cross Street, Central Street, Bennett Hill Road, Wethersfield Street, Independent Street, Summer Street and Main Street. They have confirmed that they route will not cross or go onto Route 1, and there will be no water stop in Town.

The Police Chief, Fire Chief, Health Agent and Highway Surveyor have reviewed this request and do not have any questions or concerns.

Deana Ziev made a motion to approve this event, Bob Snow seconded, all in favor – aye (5-0).

NEW BUSINESS

1. Request from the Board of Cemetery Commissioners to set up a donation account and to accept a donation from the Estate of Doris Bradstreet

Chairman Pierce read the following:

Creating Cemetery Donation/Gift Account

The Cemetery Department recently received a donation from the Estate of Doris Bradstreet. However, the Cemetery Board does not have a gift/donation account to deposit these funds into. The Cemetery Board is asking the Board of Selectmen to vote to set up a donation gift/account under G.L. c.44§53A for the purpose of accepting donations and gifts to the Cemetery Department to be used for improvements and beautification to the Rowley Cemetery.

Accept Donation

If the Board votes to set up the donation and gift account, the Board then needs to vote to accept the donation from the Estate of Doris Bradstreet.

Petersen said he is the Chairman of the Cemetery Commission and the Doris Bradstreet Estate left \$1,000 to the Cemetery, but they don't have a donation account, so they are looking for approval to set it up and then they can deposit the check.

Bob Snow made a motion to accept the donation, Deana Ziev seconded, all in favor – aye (5-0).

Dave Petersen made a motion to set up the donation and gift account, Deana Ziev seconded, all in favor – aye (5-0).

7:15 p.m. APPOINTMENT Light Plant Manager Matt Brown to discuss locating a Level 2 electrical charger unit in the Library/Town Hall Parking lot area to support an electric car re-charging station

Chairman Pierce read the following:

The Light Department is interested in installing an electric car charging station in the back parking lot that is used primarily for Library patrons. He suggests using a parking spot in the corner. Attached are photos of what the charger looks like, suggested signage, and an aerial photo showing the proposed location. Matt Brown met with the Board of Library Trustees and they had no objections. If the Board of Selectmen is in agreement, we will have to set up a utility easement to bring power into this area of the parking lot.

Matt Brown said they are looking at a level 2 car charger, and there are a couple of options for the location. He said there is power going to the Animal Control shed, and depending on the location chosen, they will remove the existing pole and add two poles, one for the primary pole with the voltage and transformer. Petersen asked if the charger can do two cars and what location he is looking for. Brown said yes, it would charge two cars and the location would be in the very back lot and there are a couple of different spot options. He said the level 2 charger fully charges an EV in 4-6 hours and

is compatible with more vehicles. He said the location choice is tied to the idea that people will go to the Library or Town Hall for about an hour to an hour and a half. He said many are hesitant to go to a full EV, but this project compliments the Town nicely with our recent Green Communities designation. He said this can be used as a test pilot to see if the Town wants more stations in other locations. He said the Light Department will reach out to the community to let people know this is available. Pierce asked if other locations have been considered, such as Market Basket. Brown said they started by asking Market Basket, but they wanted a level 3 charger, but they were unable to obtain the needed easement, so they moved on to this location. Snow asked what other communities have these? Brown said he knows of Boxford, Ipswich and Reading, and said most hotels have them. Ziev said she loves this idea and thinks this is great. She said it would be great to put the charger closer to the building in case someone with limited mobility or a handicap wants to use it. The consensus of the Board was that they are interested in moving forward with this project. Brown said the next step is for him to present a formal plan to the Board. Eagan said there is a sample easement in the packet, and Brown can come to a future meeting to present the formal plan.

NEW BUSINESS

2. Review Department of Environmental Protection Waterways License Application Notice filed by the Trustees of Reservation to place approximately 703 cubic yards of cut salt marsh hay in Flowed Tidelands of the Parker River within the Great Marsh Area of Critical Environmental Concern as a means to restore 30 acres of salt marsh in the William T. Forward Wildlife Management Area located off 173 Hay Street (Kent's Island) in Newbury

Chairman Pierce read the memo from Conservation Agent Brent Baeslack as follows:

To: Board of Selectmen

From: Brent Baeslack, Conservation Agent

Date: July 22, 2021

RE: Request for Waterways License Application Number W21-6002 by Trustees of Reservations at Kent's Island, Newbury, MA

The Conservation Dept. has reviewed the above subject Notice of Intent for Ecological Restoration Project and requests that the Board of Selectmen consider communicating their support for this salt marsh restoration effort being conducted by the Trustees. This project will have potentially great benefit to Rowley and the expansive salt marshes located within our Town. The short version (longer narrative extracted and attached as a PDF) is that the project seeks to study efforts to arrest the negative impacts visited on the salt marsh by sea level rise and climate change on areas of marsh that have had past alternations by agriculture and mosquito ditching. Those areas that have experienced that past activity are suffering negative impacts to the plant community and to the fauna as sea level increases. In some cases the low marsh plant community is

being drowned and large scale conversion to the high marsh plant community is occurring. This effect is resulting in unintended negative effects and may be viewed as destabilizing the salt marsh community. This may result in negative effects to the shellfish harvesting and to associated fishery in Plum Island Sound (if I understand the research correctly). Certainly the Salt Marsh Sparrow is showing population declines and as Rachael Carson taught us the various strands of the web of nature breaking can have dire consequences beyond what we easily see. I would recommend if the Board of Selectmen would see fit to communicate support of this effort by the Trustees. Thanks for your consideration.

Brent Baeslack | Conservation Agent | 978.948.2330 | conservation@townofrowley.org | P. O. Box 24, Rowley, MA 01969 | Office Hours Mon. – Thur. 9 am – 12:30 pm | Email subject to MGL c66s10, Public Records Law

Dave Petersen made a motion to send a letter of support, Bob Snow seconded, all in favor – aye (5-0).

3. Discuss Town Landing parking project and review Meridian Associates Agreement

Chairman Pierce read the following:

Harbormaster Bill DiMento, Cliff, and Debbie are starting to work on the Town Landing parking project. They have asked Meridian Associates for a proposal to do the work for the Board of Selectmen that the Conservation Commission has required, which includes wetland resource areas delineation, survey of existing conditions and of the resource areas, the filing of a Notice of Intent, and engineering work to address the parking layout and stormwater water management.

The proposal is not ready for the Board to review this evening.

7:30 p.m. PUBLIC HEARING – Farmer Series Pouring Permit Liquor License
Application filed by Anonymous Brewing LLC for 60 Main Street

Chairman Pierce read the notice of public hearing.

Bob Snow made a motion to open the Public Hearing, Deana Ziev seconded, all in favor – aye (5-0).

Public Hearing opened at 7:30 p.m.

Chairman Pierce stated that the hearing was advertised in the July 14, 2021 edition of The Daily News. Chairman Pierce called the applicant forward to discuss his application. *Pierce read the following:*

- *The applicant has paid all taxes, water bills and electric bills.*

- *As of Thursday 7/22/21, the applicant was working on submitting the required proof of mailing to the abutters.*

Applicant Kevin Moriarty said the proof of abutter mailing has been satisfied. Chairman Pierce read the comments below from the Department Heads into the record. Comments were received from Conservation, Building Inspector, Health, Police, Fire and Planning.

CONSERVATION AGENT BRENT BAESLACK:

To: Board of Selectmen

From: Brent Baeslack, Conservation Agent

*RE: Liquor License Application - Anonymous Brewing, LLC - 60 Main Street
(Map 15, Parcel/Lot 41)*

Be advised the Conservation Dept. has reviewed the submitted materials and reviewed information related to property. There does not appear to be any regulated wetland resource areas or buffer zones on this property. Thus we offer no concerns related to wetland areas.

Relating to stormwater and drainage considerations, we do note that the front half of the parcel is impervious pavement and buildings. It should be determined if any mitigation measures may be contemplated with half the property being impervious. The roadway has a catch basin on the frontage to the left of the central building. It should be determined if any of the abutting parcels are being subjected to diverted runoff or receiving excessive surface runoff.

Thanks for the opportunity to comment.

BUILDING INSPECTOR / ZONING REVIEW OFFICER KEN WARD:

Amy, this is my response regarding zoning with regards to liquor license. Section 4.2.3b allows consumer service establishments, with site plan review. There is no mention of size or number of consumers. This by-law is mirrored by section 4.6b, word for word. I therefore think the Planning Board should hold a hearing and after weighing all the pertinent info make a ruling .

Ken Ward

HEALTH DIRECTOR FRANK MARCHEGIANI:

The Health Department has the following questions/concerns in regards to this application:

The septic system for the entire building to be used was designed for a retail space with 2,106 square feet. The Health Department is unclear on handling of brewery wastewater/waste, seating, employee/customer restroom use and availability under the building code (for both units of the building), washing and sanitizing of glasses, utensils, and equipment. Will food of any type be available

or served at the bar area or establishment? There is also a mention of possibly having food trucks on site.

Please advise if I may be of any further assistance.

POLICE CHIEF SCOTT DUMAS:

Good afternoon Amy,

It appears the parking issue is still be worked through and outdoor seating as it relates to the abutters has been addressed through the planning board. The police department has no further concerns.

FIRE CHIEF JAMES BRODERICK:

Amy:

Sorry for the late comments on this, as far as the Fire Department is concerned the fire alarm system and exits must be designed for the occupancy limit that is set forth by the Building Inspector.

PLANNING BOARD COMMENTS #1:

Debbie,

The Planning Board at the their meeting last night (Wednesday, July 14, 2021) discussed the issue raised by Town Counsel as to whether a Nanobrewery can be properly classified as a Consumer Service Establishment (requiring Planning Board SPR approval in the Central District) as opposed to being designated a non-conforming use to be reviewed under Section 5.0 of the ZBL, and in light of prior ZBA approvals 91-06 and 95-03.

After some discussion, the Board made a unanimous (4-0) determination that the proposed Nanobrewery use as outlined by this proposal, can be deemed a type of Consumer Service Establishment. They cite the smaller scale of the brewery operations (consisting of three brewing kettles confined to a small 9' x 11' room) which is a lesser scale compared to the average brew pub, not to mention a large scale brewing factory. The Planning Board also considers that the brewing aspect of the proposal is accessory to the tasting room element which is the service component.

Subsequent to making the zoning determination, the Planning Board opened the public hearing for the site plan review. Last night's meeting ended with a continuation of the hearing to August 11, 2021, and with the Board asking the applicant to submit a formal site plan which depicts not only the parking and site flow configuration pertaining to operation of the nanobrewery, but to also account for parking and traffic flow of all other prospective uses to be implemented on the site. This may take some additional time so be advised that continuances beyond August 11th may be in order.

PLANNING BOARD COMMENTS #2:

The Planning Board is currently reviewing a Site Plan Review request for this applicant (Anonymous Brewing, LLC) at the site for the operation of a nanobrewery and tasting room in the right-hand unit (view from the road) of the rear garage building currently existing. The Public Hearing was initiated on July 14, 2021 and is currently continued to Wednesday, August 11, 2021 pending submittal of further information requested by the Planning Board. Here is a summary of the Planning Board's findings thus far which are likely also pertinent to the Board of Selectmen review of the Liquor License application:

- The Planning Board first discussed the issue as to whether a Nanobrewery can be properly classified as a Consumer Service Establishment (thus requiring Planning Board Site Plan Review approval in the Central District) as opposed to being designated a non-conforming use to be reviewed under Section 5.0 of the ZBL, and also in light of prior ZBA approvals 91-06 and 95-03. After some discussion, the Board made a unanimous (4-0) determination that the proposed Nanobrewery use as outlined by this proposal, can be deemed a type of Consumer Service Establishment. They cite the smaller scale of the brewery operations (consisting of three brewing kettles confined to a small 9' x 11' room) which is a lesser scale compared to the average brew pub, not to mention a large-scale brewing factory. The Planning Board also considers that the brewing aspect of the proposal is accessory to the tasting room element which is the service component.*
- The Planning Board expressed concern about making their decision based on comprehensive information about this use in tandem with other potential retail uses. There are two units in the garage building with the left one (facing from the road) continuing to be used for auto sales and the left unit being used by the nanobrewery with tasting room. The residential building in the front has a downstairs space for an additional retail use and the upstairs is being used as a residential apartment. In that regard, the Planning Board has asked applicant to submit an engineered site plan (as opposed to an aerial sketch depicting parking) which depicts parking for all prospective on-site uses depicts a safe/efficient traffic flow throughout the site.*
- Due to the proposed days and times of operation, and the proximity of the property to abutting residential uses, the Planning Board was concerned about the whether the outdoor seating area in this situation would be a viable on-site activity. The Board asked the applicant if the outdoor aspect of the tasting room operation was necessary and he agreed that the outdoor seating was not critical to the operation and that all customer tasting would be confined to inside the building.*

Thanks for the opportunity to comment. The Planning Board welcomes any comments or recommendations for approval conditions to be incorporated into the Site Plan Review decision.

Chairman Pierce read the following:

On May 17, 2021, the Selectmen issued a Class II Dealer's license for this property which clearly depicts the parking spaces in accordance with the 1995 ZBA site plan. Because the Planning Board is still reviewing the site plan, Chairman Pierce requested the applicant to submit a request to continue the hearing. The applicant requested to have the hearing tonight because he does not believe there are any zoning issues.

Pierce said there may not be a zoning issue, but the site plan is under review by the Planning Board, and the hearing on this was continued until at least August 11th. He asked Moriarty again if he is willing to request in writing that this hearing be continued. Pierce said this is the most sensible course because asking the Board to decide this before the Planning Board review is complete is like putting the cart before the horse. He said he doesn't think the Selectmen can grant the liquor license without knowing that they have permission to use the site and what the other uses of the site are.

Moriarty said he has been told that the liquor license is a separate track from the usage, so the parking plan is irrelevant. Pierce said the parking plan is not irrelevant. Ziev said the Board's agreement to issue a liquor license is dependent on the site plan. She said this is similar to the Class II license process at this site, which was issued upon review of the site plan. She said the Board wants to review information about how many people are allowed inside or outside. She said initially the liquor license included an outdoor area, which Moriarty maybe rescinded at the Planning Board meeting. Moriarty said a lot of what he is now hearing in the comments from the Planning Board were not presented to him previously. Moriarty said he is concerned about the relationship the Planning Board has with abutters and a few other things. He said his stance is that the liquor license is irrelevant to the Planning Board decision on the parking. He said the usage has been approved by the Planning Board and the only thing in question is which parking spaces are available to him. Ziev asked if the occupancy has been approved. Pierce said Moriarty hasn't gotten any approvals from the Planning Board, and the Planning Board has just begun the review process. Moriarty said he feels that Mr. Pierce is being demeaning and he doesn't appreciate that. He said the proposal is to run a taproom / brewery in Town, the liquor license is key to that, and the parking plan is irrelevant to this. Pierce said it isn't irrelevant to the parking plan. Ziev said nothing about this is funny and everyone needs to relax. Moriarty said he doesn't need someone to tell him to relax and asked what is this? He requested that Mr. Pierce step away from the table and asked Pierce if he has a relationship with a direct abutter. Pierce said he isn't going to step away and said for the record he is friends with Dan Szcepanski who is a neighbor of the property, but he has not talked to Dan about this hearing.

Chairman Pierce asked if there are any abutters present who would like to speak on the application.

Petersen said he isn't against this proposal and thinks it can be a good thing, but his concern is that the original property was being used as a used car lot, they have granted a Class II license to the new owner and there was no mention of a nano brewery. He said now we are hearing about a nano brewery and a retail establishment in the old coffee shop. He said he has no objections to any of these things, but he isn't going to okay a liquor license until we know details such as what the hours will be, the parking spaces available, and the restrictions from the Planning Board. Moriarty said he has already done this and there will be 13 parking spots allocated to his unit. Moriarty said the hours will be Thursday – Sunday as follows: 4:00 p.m. until 9:00 p.m. on Thursday and Friday, and 12:00 p.m. until 9:00 p.m. on Saturday and Sunday. Snow said Moriarty has put the cart before the horse. Snow said he served on the Planning Board years ago and this needs to go through the site plan review first before the liquor license can be approved by the Board of Selectmen. He said the liquor license can't be issued before he has an establishment. Moriarty said he currently serves on the Planning Board and was told that he didn't need a comprehensive site plan review and that is why he has taken this route. Moriarty said he is trying to keep his taproom separate from the other proposed uses on the site. He said he has gone through the process of applying to the Planning Board and was told to provide a sketch of the parking plan, which he provided, but was asked for additional information during the meeting, which he is in the process of providing. Pierce said Moriarty wasn't at the last Planning Board meeting, and they are clearly conducting site plan review, which was continued to August 11th. Moriarty said the site plan review is not procedural, it is informational. Petersen said it is information for the Board of Selectmen. He said they are putting a lot into a small property, a lot of traffic will be generated, he isn't opposed to Moriarty's plan but we need all of the information so they feel comfortable granting the license. He said continuing this public hearing to a later date after August 11th is in Moriarty's best interests. Moriarty asked for a list of what the Board is looking for. Petersen said we need information about the parking and need to know that cars won't be parking along Route 1A. Petersen said this needs to go through the Planning Board and then send that information in. He said it is hard for the neighbors to agree or disagree with this proposal without knowing all that is going in on the property. Snow said the Selectmen have issued a Class II license at this property, now we hear about this microbrewery, so it is vital to have the site plan review from the Planning Board.

Moriarty said he regrets trusting that his applications would be separate from what else is happening on the property as he was under the impression that his applications and regulations were completely separate from the rest of the property. He said the only use presented by the owner is the used car lot, which will be relatively minor, and he has been told all along that there would be plenty of parking for his business. He said he didn't expect any issue with the parking, but he will submit the parking plan to the Planning Board this week and the occupancy permit will also be taken care of. He said he was under the impression that the liquor license was a separate track, so this is a surprise to him, and he apologized if he wasted the Board's time. He requested that Chairman Pierce be recused from the hearing because he is a relatively close friend to a direct abutter who has objections to this proposal. Pierce denied this request. Petersen said all of the Board members have been in Town for a long time, they know

many people, Pierce said he hasn't spoken to Szypanski about this, he believes Pierce's word, and he knows Szypanski as well. Moriarty said he's not sure if he believes Pierce's word and Pierce has been chuckling throughout the hearing tonight. Petersen said Moriarty isn't hearing what they are saying and said they are requesting the site plan and the information from the Planning Board, and having the site plan will be good for Moriarty in case there is a complaint about the business.

Snow said when he comes through the door and sits at the Selectmen's table he is neutral and unbiased, and there or no "wink, wink" and "nods, nods" on this Board. He said he doesn't see or talk to other members of the Board, and if more than three Selectmen are in the office, one of them leaves so that there isn't a quorum, and there are no winks and nods. He said he doesn't want an inference from Moriarty that this is what is happening, he has known Pierce for many years and they have never talked about situations outside of the meetings. He said he also knows Dan Szypanski.

Pierce asked Moriarty if he plans to put a request in writing to continue the public hearing. Moriarty said yes. Eagan said the meeting after the 11th will be August 23rd at 7:00 p.m. Pierce said if we don't receive the written request the Board will need to have a special meeting to deny this application.

There were no comments from abutters present at the meeting. Pierce said a separate newspaper notice is not required. He said the Planning Board feels that they may need more time beyond August 11th. Moriarty said he isn't aware of that.

Moriarty said he is sure that Mr. Pierce does his job as expected, he just wants to make sure he is represented impartially. Petersen said this Board does everything above board and nothing behind the scenes. He said he is generally for this application, but he doesn't want Moriarty to develop a bad attitude.

Bob Snow made a motion to continue the Public Hearing until August 23, 2021 at 7:00 p.m., Deana Ziev seconded, all in favor – aye (5-0).

7:45 p.m. APPOINTMENT – Police Chief Scott Dumas to discuss reducing speed limits on Town roads

Chairman Pierce read the following:

The May 3, 2021 Town Meeting accepted the provision of Mass. General Laws Chapter 90 Section 17C. Now the Selectmen can vote to issue a Traffic Regulation identifying the streets or parts of the streets which they are designating as 25-mph areas. Mass. Department of Transportation (DOT) prefers the Selectmen make all applicable areas 25-mph zones, so as to avoid potential confusion for drivers, however, the Town does have an option to do this on a street-by-street basis. After the Board votes on the Traffic Regulation, a copy of the regulation must be sent to DOT.

Police Chief Dumas said a person from Farnham Road was the catalyst for this to move forward, but this applies to other thickly settled areas. He said in the past a involved process was required to do this, but under Mass. General Laws Chapter 90 Section 17C allows the Selectmen to adopt a 25 miles per hour speed limit in thickly settled areas, even if only a portion of the road is actually thickly settled. He said the Town would need to post signs at the borders of Town that state the speed limit is 25 miles per hour unless otherwise posted. He said this is the simplest approach, allows us to reduce the number of signs required, and this is his recommendation. He said the Board can instead decide to do this on a street by street basis.

Pierce asked if the definition of thickly settled is disputable. Dumas said thickly settled is defined as having buildings 200 feet apart for a quarter of a mile, which would allow the whole street to be 25 miles per hour unless otherwise posted. Ziev said she agrees with this, people drive fast, and the speed limit should be dropped to 25. Petersen asked if Dumas has received feedback from other towns who have done this. Dumas said the Police Chief in Georgetown said this is the best thing they did. He said this is not the end all be all. He said the new electronic signs that they have installed on Summer and Leslie indicate that the majority of cars are traveling at or below the speed limit. He said these signs help, but enforcement is the key, but with only two officers on each shift, they can't monitor multiple areas with complaints at the same time. He said they need to issue more summonses, even though they don't like to do this. Snow said people like to use Leslie Road as a shortcut to avoid the light at the intersection of Route 1 and Route 133. Dumas read the data from the sign collecting data on Leslie Road that shows 94% of the vehicles recorded travel at 30 miles per hour or below. Petersen said those electronic signs are effective and he hopes we can get more to use on other streets, such as Central Street. He said there are a lot of pedestrians and bike riders in Town and no sidewalks. Pierce said roadway improvements would also help, such as the stop sign intersection improvement installed as part of Nixon's housing development. He said he hopes we do more of this as a requirement for builders putting in developments.

Pierce asked the Board what they want to do about reducing the speed limit. Petersen said he thinks we should do it town-wide and ask the Chief to update the Board in six months to see how this is going. Dumas said when they get a speeding complaint, the road is put on a list and the electronic sign is put out to get the traffic count. He said if the Board opts into this, we only have to put signs on the perimeter of Town, and Farnum Road would become 25 miles per hour since it is not otherwise posted. Patrick Snow said 15 signs would be needed to cover the perimeter, which will cost \$1,500 to \$2,000 which the Highway Department budget could absorb if needed, but he isn't opposed to the money coming from somewhere else. The consensus of the Board was to do the town-wide speed limit of 25 miles per hour.

Dave Petersen made a motion to issue a traffic regulation on a town wide basis and to opt into Chapter 90 Section 17C, Joe Perry seconded, all in favor – aye (5-0).

Eagan said she will draft the regulation and send it to MassDOT.

OLD BUSINESS

1. Update on the Annex floor project in the Council on Aging room

Chairman Pierce read the following:

The project to replace the carpet in the two entryways, the first floor hallway, and the conference room at the Annex is complete and came in under budget because the scope of the asbestos abatement was smaller than estimated. On June 21, 2021, the Board of Selectmen voted to use the remaining \$9,027 in this appropriation towards replacing the flooring in the main room of the COA. The existing carpet in this room is a tripping hazard which was made worse when this room was used for furniture storage during the recently completed carpet replacement project.

The Friends of the COA had previously offered to donate approximately \$6,000 towards this project, however Debbie has spoken to Sylvia Wood of the Friends, and they are no longer offering this donation.

COA Director Ellie Davis received a quote from Atkinson Flooring for a total of \$7,260 which includes removing the existing carpet and sanding and finishing the existing hardwood flooring in the main room of the COA. This quote does not include any repairs to the wood flooring if needed. To save money, Ellie plans to line up volunteers to move the furniture from the COA main room and into her office area for this project. These volunteers will be required to sign consent and release forms before doing this work. The COA Board voted on July 14, 2021 to go forward with finishing the hardwood floor in the main room.

Atkinson Flooring did the carpet project in the Selectmen's Office and the carpet replacement project in the Annex hallway and conference room. They have been easy to work with and we have been happy with the quality of the work. They are a contractor on State contract FAC98. Under this State contract, if the cost is less than \$10,000 we can purchase directly from the contractor without soliciting multiple quotes.

Could the Board please vote on the following:

- *Approve refinishing the hardwood floors in the COA main room*
- *Authorize the staff to issue a Purchase Order to Atkinson Flooring in the amount of \$7,260 for this project*

Joe Perry made a motion to approve refinishing the hardwood floors in the COA main room, Bob Snow seconded, all in favor – aye (5-0).

Joe Perry made a motion to authorize the staff to issue a Purchase Order to Atkinson Flooring in the amount of \$7,260 for this project, Bob Snow seconded, all in favor – aye (5-0).

2. Update on the Town Hall Memorial project

Chairman Pierce read the following:

Bob Breaker of the Town Veterans Committee would like to remove the shrubs flanking the war memorial stones on the Town Hall lawn. This is the first part of the restoration project he is working on. He is planning to ask the Highway Department to remove the shrubs and adding bark mulch to make the area look appropriate.

Bob Snow, who represents the Board of Selectmen on the Veterans Committee, will provide further details.

Snow said Bob Breaker was unable to make it tonight, but they met last week. He said the shrubs are overgrown and need to be removed so that the stones can be removed as needed.

Dave Petersen made a motion to authorize the removal of the shrubs by the Highway Department as a first step in this project, Deana Ziev seconded, all in favor – aye (5-0).

3. Discuss basketball court project and abutter encroachment issues

Chairman Pierce read the following:

The binder coat for the basketball court has been finished, and the color option for the plexipave surface has been chosen.

The preschool is working to schedule the removal of the chicken coop and its enclosure off of Town property. The shed and fence have been moved off of Town property, however it was noted that there were 6" to 12" of fill material left on the Town property that was previously underneath the preschool's shed and fence. To address this, after consulting with Chairman Pierce, the contractor, and the landscape architect, a Change Order was issued to the contractor to do the following additional work: excavate some of the fill material, add four inches of loam, and seed the area for stabilization at a cost of \$5,598. Due to a cancellation of another project, the contractor was able to schedule this additional landscaping work for Thursday July 22nd, and the final pavement coat is scheduled to be installed this week. The plexipave surface can be installed two weeks after the final pavement is installed. Because the contractor had this cancellation and was able to fit this project back into the schedule quickly, and despite the setbacks, it appears that this project is still on track to be completed prior to the school reopening after Labor Day.

1. *Could the Board please vote to ratify this change order?*
2. *The preschool is not taking responsibility for the installation of this fill material (see attached email). Tom Mullen recommended that the Board discuss whether or not the Town should sue the preschool to recover damages, which include the*

\$5,598 plus additional landscape engineering costs related to this. How does the Board wish to proceed?

Bob Snow made a motion to ratify the change order, Deana Ziev seconded, all in favor – aye (5-0).

Pierce said he doesn't think it is worth it to pursue the preschool. Petersen and Perry agreed.

Dave Petersen made a motion to not sue the preschool for these damages, Joe Perry seconded, all in favor – aye (5-0).

MINUTES: June 21, 2021; June 21, 2021 Executive Session

Bob Snow made a motion to approve the minutes of June 21, 2021, Joe Perry seconded, all in favor – aye (5-0).

Joe Perry made a motion to approve the minutes of June 21, 2021 Executive Session, Bob Snow seconded, all in favor – aye (4-0). Deana Ziev - ABSTAINED

ADJOURN

Bob Snow made a motion to adjourn, Deana Ziev seconded, all in favor – aye (5-0).

Meeting adjourned at 8:30 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Request from Fire Chief James Broderick to appoint Sebastian Beuchelt, Ryan Kaminski and Zachary Stack as Probationary Call Firefighters
2. Request from Police Chief Scott Dumas to lift the hiring freeze for the position of full-time patrol officer
3. Meeting memo regarding General Business #2: Request from COA Director Ellie Davis to lift the hiring freeze for the position of Activities Director/Transportation Coordinator
4. Meeting memo regarding General Business #3: Approve donations to the Council on Aging
5. Two lists of donations to the COA
6. Meeting memo regarding General Business #4: Approve donation to the Police Department
7. Letter regarding Bradstreet Family Trust of 9/7/2000 regarding donation to Police Department

8. Meeting memo regarding General Business #5: Appoint Liam Murray to the position of Pumpout Boat Operator
9. Meeting memo regarding General Business #6: Appoint Keith MacDonald to the position of Water Treatment Operator/Assistant Chief Operator
10. Email from Deborah Eagan regarding September 11, 2001 Memorial Community Service hosted by the First Congregational Church of Rowley
11. Meeting memo regarding General Business #8: Letter from Merrimack Valley Planning Commission regarding Merrimack Valley Metropolitan Planning Organization Representative
12. Letter from Merrimack Valley Planning Commission regarding Merrimack Valley Metropolitan Planning Organization Representative
13. Meeting memo regarding General Business #9: Neurofibromatosis Northeast Coast to Cure Bike Ride on September 11, 2021
14. Request from Neurofibromatosis Northeast Coast to Cure Bike Ride to hold bike ride on September 11, 2021
15. Meeting memo regarding New Business #1: Request from the Board of Cemetery Commissioners to set up a donation account and to accept a donation from the Estate of Doris Bradstreet
16. Meeting memo regarding 7:15 p.m. Appointment: Light Plant Manager Matt Brown to discuss locating a Level 2 electrical charger unit in the Library/Town Hall Parking lot area to support an electric car re-charging station
17. Email from Matt Brown regarding Selectman Agenda Monday 7/19/21, including attached photos, overhead views of Town Hall and Library and easement
18. Meeting memo regarding New Business #2: Review Department of Environmental Protection Waterways License Application Notice filed by the Trustees of Reservation to place approximately 703 cubic yards of cut salt marsh hay in Flowed Tidelands of the Parker River within the Great Marsh Area of Critical Environmental Concern as a means to restore 30 acres of salt marsh in the William T. Forward Wildlife Management Area located off 173 Hay Street (Kent's Island) in Newbury
19. Department of Environmental Protection Waterways License Application Notice filed by the Trustees of Reservation to place approximately 703 cubic yards of cut salt marsh hay in Flowed Tidelands of the Parker River within the Great Marsh Area of Critical Environmental Concern as a means to restore 30 acres of salt marsh in the William T. Forward Wildlife Management Area located off 173 Hay Street (Kent's Island) in Newbury
20. Meeting memo regarding New Business #3: Discuss Town Landing parking project and review Meridian Associates Agreement
21. Meeting memo regarding 7:30 p.m. Public Hearing – Farmer Series Pouring Permit Liquor License Application filed by Anonymous Brewing LLC for 60 Main Street
22. Notice of Public Hearing for Anonymous Brewing LLC for 60 Main Street
23. Tear sheet for Notice of Public Hearing for Anonymous Brewing LLC for 60 Main Street
24. ABCC Advisory for New Farmer Series Pouring Permits for Farmer-Breweries, Famer-Wineries & Farmer Distilleries

25. Email from Kevin Moriarty regarding liquor license hearing
26. Email from Amy Lydon to Board of Selectmen regarding Liquor License Application – Anonymous Brewing, LLC – 60 Main Street, including attached application; meeting memo and information from June 21, 2021 regarding New Business #3; and email sent to Kevin Moriarty regarding Board of Selectmen Request
27. Supplemental information provided by Kevin Moriarty for liquor license application
28. Class II License issued to Automotive Transport Service Inc. at 60 Main Street, including attached site plan
29. Meeting memo regarding 7:45 p.m. Appointment: Police Chief Scott Dumas to discuss reducing speed limits on Town roads
30. Excerpt from Mass General Law Chapter 90, Section 17C
31. Article 18 of May 3, 2021 Annual Town Meeting
32. Meeting memo regarding Old Business #1: Update on the Annex floor project in the Council on Aging room
33. Proposal from Atkinson Carpet and Flooring for floor project in COA main room
34. Email from Ellie Davis regarding flooring vote
35. Meeting memo regarding Old Business #2: Update on the Town Hall Memorial project
36. Meeting memo regarding Old Business #3: Discuss basketball court project and abutter encroachment issues
37. Email from Tom Mullen regarding recent note about “property damage”
38. Photo of area near basketball court before change order work
39. Photo of area near basketball court after change order work
40. Draft minutes of June 21, 2021