

APPROVED

**TOWN OF NEWBURY
SELECT BOARD**

MINUTES

DATE: December 6, 2022

PRESENT: **Select Board:** Chair Alicia Greco; Vice Chair JR Colby; Clerk Dana Packer;
Geof Walker; Gerry Heavey

Staff:

Tracy Blais, Town Administrator
Julie O'Brien, Executive Administrator
John Lucey, Police Chief
Patty Fisher, Deputy Police Chief
Aaron Wojkowski, Police Detective

Speakers: Tim Lamprey, Tree Warden

Call to Order:

At 7:00 p.m. Alicia Greco called the meeting to order with a salute to the flag

Motion: JR Colby moved to open the Select Board Meeting seconded, G. Walker and voted unanimously

Discussion: None

Public Hearings: 7:00 p.m. Special Permit Application Continuance, 1 Marsh Meadow Lane

Motion: G. Walker moved to open the Public Hearing seconded, G. Heavey and voted unanimously

Motion: : G. Walker moved to continue the Public Hearing to a date and time certain, Tuesday, February 28, 2023, at 7:15 p.m. seconded, D. Packer and voted four votes in favor one vote recused

Discussion: None

Executive Session:

Motion: At 7:03 p.m. a motion was made by , A. Greco

Pursuant to Massachusetts General Law, Chapter 30A, § 21(a)(2) to conduct contract negotiations with nonunion personnel; specifically, the Chief of Police and Deputy Police Chief, because an open meeting may have a detrimental effect on the bargaining position of this body.

Second: JR Colby

Roll Call Vote:

Geof Walker - Yes

Gerry Heavey - Yes
Dana Packer - Yes
JR Colby – Yes
Alicia Greco - Yes

The Meeting will reconvene at the conclusion of the Executive Session

A.Greco moved into Executive Session Pursuant to Massachusetts General Law, Chapter 30A, § 21(a)(3 to affirm the discussion and vote taken on November 30, 2022 relative to the matter of the Department of Environmental Protection and Cricket Lane LLC, SOC, 050-1355, Pearson Drive, because an open meeting may have a detrimental effect on the litigation position of this body

Second: JR Colby

Roll Call Vote:

Geof Walker - Yes
Gerry Heavey - Yes
Dana Packer - Yes
JR Colby – Yes
Alicia Greco – Yes

Meeting will reconvene at the conclusion of the Executive Session

Board and Committee Reports

Report of Chair Greco: None

Grants, Gifts & Donations

(Chapter 44: Section 53A Grants and gifts; acceptance and expenditure)

Grant for removal of the Larkin Road Dam - \$450,000

Motion: JR Colby moved to accept the Grant for the Larkin Road Dam, seconded G. Walker and voted unanimously

Discussion: Discussion ensued

New Business:

Review, approve and sign FY23 Appointment:

- Patty Fisher – Municipal Vulnerability Task Force

Motion: JR Colby moved to approve the appointment seconded, G. Walker and voted unanimously

Discussion: None

Tree Warden – Newman Road

Discussion: Tim Lamprey spoke to the matter of the eight Newman Road trees. Spoke to the third party consultant's report that was included in the Select Board packet

Mentioned the trees are within inches of the pavement. His understanding is that most of the trees were planted there 95 years ago when was a dirt road. Explained when road got paved, majority of root system under the road, and had a dire impact on the trees

Stated will be difficult to replace trees in that area as is a small area and what could be planted there. Also, a concern is how to get water to the trees as there are no hydrants in the area

Stated the third party's report agrees with the removal of the eight trees

Mr. Lamprey took upon himself to do some research on trees that fell in Massachusetts and killed people and what was reported was about 1 occurrence every six months

Mentioned National Grid had a public hearing and would be taking down 70 plus trees along the Town's right away

Mr. Lamprey's opinion in the Town's best interest to take down those eight trees on Newman Road before someone gets hurt and replant trees where we can. Mentioned a thought that the Trustees may be could plant some trees on their side of the stone wall

Mr. Lamprey answered questions from the Board members including clarifying what the markings on the trees indicated ie orange/red X and Blue line; explained the term leader in reference to the third party report; addressed if there is a set plan to replace trees; what would be the best size saplings to plant to replace the trees; addressed the question regarding other trees that are marked on Newman Road; addressed what is the white paper posted on each tree; where does the wood go;

Lan hochmeister, 281 High Road, discussed how he and a few others raised money a couple years ago to buy property next to the Lower Green bought a variety of 25 trees and planted and watered for year and a half, twice a week and they all survived. Feels if watered the trees will survive. Plan in his opinion, first, what is being trimmed and what being removed, second then what is plan to replace.

David Powell, 5 Kent Way, gave some personal background and stated he had sent the objection letter during the Tree Wardens Public Hearing. Asked if Board would provide information regarding who the third party was and what the report included

A. Greco provided Mr. Powell with the report and read out loud to the audience

Mr. Powell spoke to the process of maintaining trees not involving the people of the Town. Mentioned he has been volunteering for 35 years on the Old Town Hill property. Stated no discussion on replacement during the Tree Warden public hearing. Feels Newman Road is an iconic street in town on public land. Would like to suggest The Town is lacking a process to find out if something is contentious or not, and lacks any kind of feedback device, ie a tree committee or commission. Which would review not only removal but replacement. Asked that the Select Board consider forming some type of tree committee to work with the Tree Warden. Stated could offer wood to someone in the firewood business and make some money to put in a fund for replanting. Suggested a list of scenic roads in Newbury be created and approved by the Select Board. Stated Planning Board would then become custodians and would implement the rules in that case. Would like a tree Board and scenic roads list which would in his opinion provide checks and balances

Mr. Lamprey confirmed he follows Mass General Law. When an objection/appeal made during the Tree Warden public hearing, puts a hold on the trees in question until brought before the Select Board. Tree Warden is the only one in town to make decision if tree has to come down. Can have committee to make recommendation but per state law only Tree Warden can make that decision

Mr. Powell provided documents from DCR to the Select Board regarding how to create a Tree Commission or Board.

Jessica Brown, 275 High Road, strongly reinforced creating a Tree Committee, for public input and transparency. Discussed unique landscape features to the Town and asked to look at them more holistically. A Tree Committee could focus on a few special places in Town. Mechanism for communication regarding removal and replanting not as strong as it could be in her opinion

Fred Thurlow, 26 Marsh Ave., Stated Newbury has a history of taking trees down and not removing stumps. Commented makes difficult when replanting and asked to please remove the stumps. Second, mentioned Swamp Maples would look good and grow well

Jim Ryan, 88 Pine Island Road, mentioned all items on his list were addressed by other residents. Would like to see a Tree Committee created and the best way to appease the concerns heard tonight

Peter Pinciario, not a resident. Works for Trustees of Reservation a Director of Crane Estates and associated with Old Town Hill for 40 years. Agreed trees invasive and at the end of their life cycle. Discussed making dramatic changes to landscape without engaging the public. Suggested phasing the removal of the eight trees. Trustees would love to participate to analyze alternatives and other plants. And offered the Trustees have volunteers who would water any new trees.

Rachel Holland, 26 old Rowley Road, asked about the 27 trees marked with either X, blue line or white paper

D. Packer explained not all coming down some just being pruned

Ms. Holland understands the meeting tonight is only about eight trees. Asked about putting a pause as this will deeply impact the road and vista

Mr. Lamprey addressed the question regarding implementing a pause. State Law states any questioning of any tree being removed has to occur either before the Public Hearing or at the time of Public Hearing

Mr. Lamprey addressed the question regarding stumps. Indicated the Town would need to purchase a stump grinder

Mr. Lamprey addressed questions and concerns about Upper and Lower Green. Stated there was an advisory board that came up with plans for Upper and Lower green

Also mentioned there is a plan for replacing the Christmas Tree with a white spruce. Looking at one about 20 feet in height and had a quote of \$10,000 to replace. Depends on what is available at whole sellers also.

Mr. Lamprey addressed the comments regarding 1a which is a State Road, not in Newbury jurisdiction. Spencer Peirce Little Farm is private, not Town property

A. Greco asked about Cottage Road tree. Mr. Lamprey explained construction still on going so tree not planted yet by resident

Mr. Powell came up and stated he could not hear Mr. Lamprey or Chair Alicia speaking to each other and said needed to do something about the communication

A. Greco reiterated her and Mr. Lamprey's conversation for those who may not have heard it

A. Greco opened up to the Board

D. Packer asked if fall back on these eight trees is because of all the other trees that are marked on the Road

G. Walker asked about the time frame for removal. When do we have to take the eight trees down?

Mr. Lamprey responded, after public hearing if no objection, you can start working on them. Once appealed hold until Select Board votes on

Mr. Lamprey informed the Board, once a tree deemed dangerous and comes down on a car or on a person and injures someone the Town is responsible

G. Walker liked the phasing in suggestion and doing in steps. If other trees are slated to come down why are we taking these eight down now?

T. Lamprey could get an independent party to come in, and prune or take down but would have to go to bid, and follow that process, which could take a month plus

JR Colby spoke of being sentimental, loving the landscape of Town. Went three times to look at Newman Road trees, eight trees. He feels in really bad shape, terribly compromised, dangerous. He recommends removing all eight, remove stumps, and replace them

A.Greco, feels trees need to come down a hazard. Wants a plan to move forward regarding replanting

Town Administrator confirmed \$57,000 in tree fund

JR Colby and A.Greco stated they would like to replant trees approximately where they are now, on Town property

D. Packer stated he feels the eight need to come down and also stay on Town property

Mr. Powell mentioned again the phased approach and the tree removal affecting the wall. Said not to run away just because the town is liable

G. Heavey, mentioned a branch coming down in her yard and taking out her fence and dead tree branches damaging her car. Has concerns regarding these trees having large branches and hurting someone and the Town is liable

Jr Colby asked Mr. Pinciario if the Board decides to remove all eight trees would he or someone from the Trustees be willing to work with the Tree Warden to select an appropriate species.

Mr. Pinciario responded he would and also would offer to help organize watering of the new trees

T. Lamprey would prefer to go with native trees and mentioned pushing new trees back a bit from the road and needing to meet with the Trustees. In his opinion will not all be the same type of tree replanted.

Leslie Matthew, 111 Main Street, spoke to an Upper Green tree committee that existed prior to Covid

Lon Hochmeister, suggested put a couple different trees in to see what survives near the road

Discussion ensued regarding different ways to water the newly planted trees

Tim Lamprey recapped how many trees would be taken down Town wide

Motion: JR Colby moved that the town remove the eight trees in question tonight and have a liaison of the Select Board work with the Trustees or a rep from Trustees to select variety of trees in conjunction with the tree warden second, G. Heavey and voted unanimously

Discussion: Discussion Ensued

Motion: A. Greco move to appoint JR Colby as the Select Board liaison to select eight trees for Newman Road, along with the Trustees and Tree Warden second, G. Walker and voted unanimously

Discussion: Discussion Ensued

Town Administrators Report

None

Old Business

None

Correspondence:

None

Meeting Updates

None

Review of Meeting Minutes

None

Warrants

None

Public Comment

None

Adjourn

Motion: At 9:20 p.m. G. Walker moved to adjourn second, G. Heavey and voted unanimously

Respectfully submitted
Julie O'Brien
Executive Administrator