

## BOARD OF SELECTMEN

### MINUTES

**April 13, 2022**

Board met in session at 7:00 p.m. via ZOOM Conferencing  
Present (constituting a quorum):

Jackie Belf-Becker, Chair  
M. C. Moses Grader  
James E. Nye  
Erin M. Noonan  
Alexa J. Singer

John J. McGinn, Interim Town Administrator

The Chair called the meeting of April 13, 2022 to order. All members of the Board are participating remotely. The following roll call was taken: Mrs. Noonan, present; Mr. Grader, present; Mrs. Singer, present; Mr. Nye, present; Mrs. Belf-Becker, present.

**FIREWORKS COMMITTEE. 4<sup>th</sup> of July.** Alexander Falk, 452 Atlantic Avenue, appeared before the Board as it relates to the annual July 4<sup>th</sup> Fireworks Display. The annual July 4<sup>th</sup> Fireworks and Harbor Illumination will take place on Monday, July 4, 2022. Harbor Illumination will start at 9:00 p.m. and fireworks at 9:15 p.m. Rain date is Tuesday, July 5, 2022. The Marblehead Fireworks Committee is an all-volunteer organization and the fireworks display is 100% privately funded with donations. Donations may be sent to Abbot Hall, Selectmen's Office, 188 Washington Street. Please put "Fireworks" in the memo section. You can also donate on line at [www.marbleheadfireworks.org](http://www.marbleheadfireworks.org).

**OLD AND HISTORIC DISTRICTS COMMISSION. Appeal. 13 Franklin Street.** Bob and Leslie Clark appeared before the Board to appeal the December 21, 2022 decision of the OHDC to deny a Certificate of Appropriateness for driveway modifications at 13 Franklin Street. Charles Hibbard, Chairman, Old & Historic Districts Commission was present. The Chair called the hearing to order. The appellants received notification of this hearing. All parties were sworn in by the Chair. Appellant made presentation to the Board to appeal the decision of the OHDC. Charles Hibbard defended the Commission's decision to deny a certificate of appropriateness and reviewed with the Board the rules and regulations of the Commission and the guidelines for Alterations to driveways as well as the Town of Marblehead Bylaws related to. The Board asked questions of the appellants and the Commission Chair. After discussion motion made and seconded to remand the applicant back to the Old and Historic Districts Commission for further deliberation. Moved by Mrs. Noonan, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, opposed; Mr. Nye, in favor; Mrs. Belf-Becker, in favor. And further, motion

made and seconded to direct Town Counsel to draft the Board's decision and allow the Chair to execute decision on behalf of the Board. Moved by Mr. Nye, seconded by Mr. Grader for discussion. Members of the Board asked that the following be included in the decision; curb cut shall remain delineated and judgement of OHDC not hinge on holding owners to exact standards, or previous owners' actions. On a polled vote the Board as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor

#### **MASSACHUSETTS BAY TRANSPORTATION AUTHORITY. MBTA**

**Communities Act.** Lisa Mead, Town Counsel, and Rebecca Cutting, Town Planner appeared before the Board to update and make the required presentation to the Board of Selectmen of the Draft Guidelines regarding the MBTA Communities Legislation. Draft guidelines have recently been put out and comments taken. Final guidelines have yet to be released by the State. Section 18 of chapter 358 of the Acts of 2020 adds a new section 3A to chapter 40A of the General Laws (the Zoning Act) applicable to MBTA Communities which requires that an MBTA community shall have at least one zoning district of reasonable size in which multi-family housing is permitted as of right and meets other criteria set forth in the statute. The purpose of this legislation is to encourage MBTA communities to adopt zoning districts where multi-family zoning is permitted as of right. In accordance with the guidelines, the requirements for Marblehead are as follows:

- Submit comments on the guidelines, if any, by March 31, 2021
- Present draft guidelines to the Board of Selectmen, complete and submit the MBTA Community Information Form and submit updated GIS Parcels, if necessary, by May 2, 2022. This presentation satisfies that requirement and Marblehead does not need to update the GIS parcels
- Submit a determination for full compliance of proposed action by December 31, 2022
- Adopt multifamily zoning district by December 31, 2023
- Submit a determination of compliance to DHCD within 90 days of adoption of zoning.

Counsel proceeded to review with the Board what Marblehead as an MBTA Community means and what the legislation requires the Town to create in order to comply, and what the effect of non-compliance would mean to the Town. Currently the Town is not in compliance with the new guidelines. The Town Planner, along with the Planning Board will be working on analyzing the final legislation and how the Town might come into compliance.

**MINUTES.** Motion made and seconded to approve the following minutes: March 30, 2022, April 5, 2022 and April 1, 2022. Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

#### **LICENSING. 2021-2022. All Alcoholic Beverage License Seasonal Renewals.**

Motion made and seconded to renew the following All Alcoholic Seasonal Club License(s) subject to all taxes and fees to the Town being paid, receipt of all applicable

departmental approvals, CORI approval and compliance with Chapter 304 of the Acts of 2004:

- Eastern Yacht Club – Pool License, 42 -44 Foster Street, Manager: Jeffrey Wargo
- Dolphin Yacht Club, 17 Allerton Place, Manager: Ken Martin.

Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**LICENSING. Local/Sunday Entertainment License. Dolphin Yacht Club.** Motion made and seconded to renew the following Local/Sunday Entertainment license, subject to all taxes and fees to the Town being paid and approval from the Commonwealth's Department of Public Safety for Sunday Entertainment:

- Dolphin Yacht Club, 17 Allerton Place

Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**LICENSING. (3) 1 day liquor licenses. Marblehead Arts Associations.** Motion made and seconded to approve the request from Catherine Amidon, Executive Director, Marblehead Arts Association, for three (3) one day liquor licenses on Thursday, April 21, 2022, Thursday, May 19, 2022 and Thursday, June 16, 2022 from 6:30 p.m. - 9:00 p.m. at 8 Hooper Street subject to the following conditions:

1. Delivery of and receipt by the Licensing Authority of the required fee (\$150.)
2. Delivery of and receipt by the Licensing Authority of Proof that the alcohol will be purchased from an authorized source.
3. Proof that the applicant can receive proper delivery; provide proper storage and disposal of all alcoholic beverages purchased all in accordance with the requirements of G. L. c. 138.

Alcohol will be purchased from Kappy's Importing. Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**LICENSING. 1 day liquor license. Coastline Marine Service.** Motion made and seconded to approve the request from Trevor Goolsby, Coastline Marine Service, for a one-day liquor license on Saturday, April 30, 2022 from 11:00 a.m. - 6:00 p.m. at 8 Sewall Street for a grand opening subject to the following conditions:

1. Delivery of and receipt by the Licensing Authority of the required fee (\$50.)
2. Delivery of and receipt by the Licensing Authority of Proof that the alcohol will be purchased from an authorized source.
3. Proof that the applicant can receive proper delivery; provide proper storage and disposal of all alcoholic beverages purchased all in accordance with the requirements of G. L. c. 138.

Alcohol will be purchased from Bent Water Brewing. Moved by Mr. Grader, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, present Mrs. Belf-Becker, in favor.

**PERMISSION. Marblehead Charter School Fun Run.** Motion made and seconded to approve the request from Connie DeBoever, Charter School PTO, to hold a 3-mile Fun Run on Sunday, June 5, 2022 from 9:00 a.m. – 11:00 a.m. subject to approval of the Marblehead Police and Recreation and Parks, receipt of the required Certificate of Insurance naming the Town of Marblehead as additionally insured and police details. The event will start and finish at the Charter School. No permanent markings shall be made on the streets and any temporary markings shall be removed at the conclusion of the event. Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**LICENSING. 1 day liquor licenses. Temple Sinai.** Motion made and seconded to approve the request from Susan Weiner, Executive Director, Temple Sinai for a one-day liquor licenses on Saturday, May 21, 2022 from 6:00 p.m. - 11:59 p.m. at 1 Community Road for a concert subject to the following conditions:

1. Delivery of and receipt by the Licensing Authority of the required fee (\$50.)
2. Delivery of and receipt by the Licensing Authority of Proof that the alcohol will be purchased from an authorized source.
3. Proof that the applicant can receive proper delivery; provide proper storage and disposal of all alcoholic beverages purchased all in accordance with the requirements of G. L. c. 138.

Alcohol will be purchased from Kappy's Importing. Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**CONTRACT. Fort Sewall Security System.** Motion made and seconded to award the contract to provide a security system at Fort Sewall to Signet Security Systems of Norwell MA in the amount of thirty-six thousand seven hundred and forty-eight and 04/100 Dollars (\$36,748.04) and authorize the Chair to sign on behalf of the Board. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**CONTRACT. Village/Vine/Pleasant Engineering Services.** Motion made and seconded to award the contract for construction management Engineering Services for the Village Vine and Pleasant Project to Stantec Inc. in the amount not to exceed fifteen thousand eight hundred and 00/100 dollars (\$15,800.00) and authorize the Chair to sign the contract on behalf of the Board. Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**CONTACT. Tourist Booth.** Motion made and seconded to award the contract for the Tourist Booth Island Project to MJS Construction of Danvers, MA in the amount of eighty-four thousand four hundred and twenty and 00/100 dollars (\$84,420.00), and authorize the Chair to sign the contract on behalf of the Board. Moved by Mr. Nye,

seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**POLICE DEPARTMENT. Human Resources Candidates List.** Motion made and seconded to approve the request from Chief King to seek a certified list of candidates from Human Resources Division for the purpose of filling up to two full time police patrol officer positions and a full-time police sergeant and lieutenant position. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**REVOLVING FUND ACCOUNTS. Hobbs Memorial Fund.** Motion made and seconded to reauthorize the following Revolving Fund Accounts for Fiscal Year 2023 in accordance with Mass General Laws Chapter 44, Section 53E ½ in the amounts below:

Hobbs Memorial Fund	\$ 7,488.00
---------------------	-------------

Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**LICENSING. Temporary Outdoor Table Service** Motion made and seconded, pursuant to Chapter 42 of the Acts of 2022 and notwithstanding the provisions of Chapter 40A of the General Laws, or any special permit, variance or other approvals thereunder, or any general or special law to the contrary, the Board of Selectmen for the Town of Marblehead shall reinstate approval for outdoor seating. This approval is freely revocable upon the determination of the Health Department, Chief of Police, Board of Health, Town Administrator or their designees that the operation of the outdoor dining area is negatively impacting public health and safety. Further, this approval shall automatically be rescinded on November 30, 2022 and is subject to final approval by the Town Administrator, Police and Fire. Restaurants seeking to offer outdoor dining should submit a completed application to the office of the Board of Selectmen, Abbot Hall, 188 Washington Street or email [wileyk@marblehead.org](mailto:wileyk@marblehead.org). Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

Motion made and seconded, pursuant to Chapter 42 of the Acts of 2022 and notwithstanding the provisions of Chapter 138 of the General Laws, or any or any general or special law or local bylaw, rule, regulation to the contrary, and the Town's Carry-In Beverage Policy the Board of Selectmen, as the Local Licensing Authority pursuant to G.L. c. 138 for the Town of Marblehead shall reinstate outdoor seating. This approval is freely revocable upon the determination of the Health Department, Chief of Police, Board of Health, Town Administrator or their designees that the operation of the outdoor dining area is negatively impacting public health and safety. Further, this approval shall automatically be rescinded on November 30, 2022 and is subject to final approval by the Town Administrator, Police and Fire. Restaurants seeking to offer outdoor dining should submit a completed application to the office of the Board of Selectmen, Abbot Hall, 188

Washington Street or email [wileyk@marblehead.org](mailto:wileyk@marblehead.org). Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**ARBOR DAY PROCLAMATION.** Motion made and seconded to approve the request from Jonathan Fobert, Tree Warden, to proclaim Friday, April 29, 2022 as Arbor Day for the Town of Marblehead. DPW and the Tree Department will work with Sustainable Marblehead and the MHS Green Honor Society to plant 32 trees on April 30, 2022. Kelley Tree is donating tree services, pruning and tree removal at the Josiah P. Cressey Green, and shrub seedlings will be planted in the conservation area by Marblehead Conservancy and volunteers on Saturday, April 30, 2022. Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**CONTRACT. Hobbs Playground Project.** Motion made and seconded to award the contract for the Hobbs Playground project to O'Brien and Sons of Medway, MA in the amount of two hundred and thirty-seven thousand three hundred and eighty-two and 82/100 Dollars (\$237,382.82) and authorize the Chair to sign contract on behalf of the Board. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**POLICE DEPARTMENT. On-site Assessment.** Notification was received from the Police Chief that he has requested an on-site assessment by the Massachusetts Police Accreditation Commission in order for the department to be recognized as a re-accredited agency.

Motion made and seconded to adjourn at 10:05 p.m. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

Kyle A. Wiley  
Administrative Aide

List of documents used:

13 Franklin Street appeal. OHDC

Power point MBTA Communities

1 day liquor license requests:

Marblehead Arts Assoc / Coastline Marine Service / Temple Sinai

Charter School requests. Fun Run

Votes for contracts:

Fort Sewall

Pleasant /Village /vine

Tourist Booth  
Hobbs Playground  
Tree Dept. request for Arbor Day  
Police Department. Mail. Assessment