

Tree and Parks Committee
Saturday May 6, 2023

Committee met via Zoom members present were Victoria Matthews, Chairwoman, Bette Woolsey, Alma Homola, John Hoy, Joseph Riley

The meeting was opened with comments from the public concerning the proposed gift of a garden in Upper Bay View Park from Steve Kazilionis.

Comments were taken from the public concerning the request to allow picnic tables to remain in Merithew Square Park. The picnic tables would be a gift from the Obergaag family and the Bewsher family.

The committee decided to table a final decision on the Bay View garden until further assessment can be done regarding the impact the plantings may have on residents in that area.

The committee decided in favor of allowing picnic tables in Merithew Square with a clear understanding of maintenance and removal if necessary.

The Committee will meet in early June to follow up on the Bay View Park assessment.

14 people attended this meeting from the public.

Attached to this report are the letters sent in from residents concerning these two items of discussion

From: John Woolsey <john@jbwoolsey.com>
Sent: Tuesday, May 2, 2023 2:09 PM
To: Victoria Matthews
Cc: John Hoy; Lisa Freyer; Joe Reilly; Alma Homola; Vicki Matthews; Bette Woolsey
Subject: Re: Committee Meeting

Sorry, everybody, I have a plane to catch on Saturday so can't come. Here are the thoughts that I would bring to the meeting.

I am not clear on what went on at the last overseers meeting re: Upper Bayview, and whether Don Webster was there and had any of his objections addressed. The minutes are usually not sent out until just before the next meeting. So...

I am strongly in favor of Steve Kazilionis' proposal. I see no downside to the village. Acceptance of the proposal can be contingent on him either restoring the park to it's former condition after 10 years; or, continuing to support the maintenance for another specified period of time; or the village deciding that the garden is an asset that they want, and can afford, to maintain. Many if not most of Baysiders have flowers on their property, either in planters, hanging baskets or in gardens that the public can enjoy. The gardens of Mary Brown, Carlton Smith, Linda Houghton, Ned Lightner, Mrs. Haverty on Bluff Road, my son, Ben, on West St. and even myself, are enjoyed, and commented on — with pleasure — by many Baysiders. Ned's children's' garden at the playground brings everybody joy. No one does not like flowers and blooming shrubs. The upper Bayview garden will bring great pleasure to all who pass by. It is in a very visible place in the village, a park that is underutilized, in my opinion.

The plan that Plants Unlimited has developed is specifically DEER RESISTANT. Many of the specified plants are in my own, and my son Ben's gardens, and while the deer enjoy our hostas and phlox, much to my distress, they do not touch those plants. I believe we can trust Plants Unlimited here.

Regarding blocking the Webster's view: I believe that the small trees/taller shrubs are in such a position in the proposed garden that they will not be in the Webster's sight-lines when they are mature. Having said that, the best way to determine that is to WALK THE LOCATION, locate from the plan where those plants will be, and, standing on the Webster's property determine whether there will be an issue. I have a process to accurately do that, the same one I used for working out where to plant our trees. I volunteer to then do a simulation, as I did for our trees and their proposed planting sites, to determine whether they would interfere with precious water views. Unfortunately, this cannot be done before the May overseers meeting. There is NO REASON however, that a decision has to be made by then. It could be done at the June meeting, and the garden planted after that. I am an avid gardener. I plant and transplant many things successfully throughout the growing season.

Regarding a picnic table in Merithew square, I approve. In fact, I would love to see picnic tables in other parks. Another great joy for me in Bayside summers, is taking a picnic out and enjoying the breezes and views over lunch. Regarding chairs, it depends entirely on what they are — wood Adirondacks, yes; the plastic ones, no — and where they are located. Again, decisions about these things are best done on the ground. The park should still be available for badminton and volley ball games as it has been the last few summers, when it was the focus of kid's play.

Some Bayside residents, Don Webster included, object to anything that is not "like it always was". There is no such thing. A perusal of historic photos shows that trees were planted everywhere, that — see a recent Picture of the Day — huge crowds of people used to come to Bayside in August. The cute little carpenter gothic cottages that everyone likes have been added to, enlarged, updated, and put on foundations over the years. Still, the essential Bayside we all love remains. Change is part of then package. The new garden would be a positive change for upper Bayview Park.

See you all after May 24!

John

John D. Woolsey
225 Race St. Unit 300
Philadelphia, PA 19106
215-805-6090

Studio:
Crane Arts Building #401
1400 N. American St.
Philadelphia, PA 19122
johnwoolseyart.com

Summer:
37 George St.
Northport, ME 04849

> On Apr 29, 2023, at 11:07 AM, Victoria Matthews <vlmatt00@gmail.com> wrote:

>

> Good morning all,

>

> We need to have a committee meeting via Zoom to discuss and hopefully put to rest the proposal for a garden in upper Bayview Park and a proposal to put chairs and picnic tables in Meritieu Square Park. would Thursday at 5 or 6 p.m. work or Saturday at 9:00 a.m.? Or another time you may suggest.

> Thank you

> Vicky

>

Upper Bayview Park Garden Proposal

Personal Statement of Position – Frederic Lincoln, 54 Broadway

Dear NVC Parks and Trees Committee,

Due to a longstanding commitment, I regret being unable to attend the May 6, 2023 committee meeting but respectfully ask that my position on the Upper Bayview Park garden proposal be shared. Speaking personally, I do not support this proposal as I feel the disruption of this lovely open landscape would create a material imbalance to the entirety of Bayview Park. I further believe the introduction of this large garden space would negatively impact the overall flow and balance of the village and its collective properties.

Bayview Park offers a unique venue that differs from our other village parks, which tend to be more hectic with daily activities. It's quietness and open expanse are the very attributes that make it special to those who sit upon its lawns as well as to the many pedestrians who pass by it daily and enjoy the reflective light and openness it offers. These attributes are important to a closely grouped village like Bayside. The early village settlers took thoughtful care with ensuring our community included open spaces for varied uses and enjoyment of all its residents and their guests. The addition of a large garden area into a wonderful, long-standing open lawn space would not add to its beautification, in my opinion. While not questioning the well-intended offer by the Kazilionis family, I'm concerned that earlier individual feedback may only have been solicited only from abutters. Care needs to be taken to ensure all village residents have an equal opportunity to weigh in, which has not really been the case since this concept was first socialized.

I'm also reminded of the painstaking efforts taken by the village and private residents to purchase the adjacent wooded area located between upper Bayview Park and Community Hall a few years ago, for the purpose of keeping that property undisturbed. The garden installation proposal currently under consideration seems contrary to that very objective.

From a historical perspective, it would be important and appropriate that the Bayside Historical Preservation Society board also be permitted an opportunity to discuss this proposal and provide an opinion on a matter of this magnitude.

Lastly, there may be associated fiscal considerations that the NVC Finance Committee will be discussing at its May 11th committee meeting, where the community is invited to attend.

Thank you for your time and consideration.

Sincerely,

Fred Lincoln

From: Donald Webster <dcwebster1@aol.com>
Sent: Tuesday, April 4, 2023 12:25 PM
To: president@nvcmaine.org; mtirrell@nvcmaine.org; vmatthews@nvcmaine.org;
jwilt@nvcmaine.org; judy@judymetcalflaw.com; bbrim-deforest@nvcmaine.org;
cbewsher@nvcmaine.org; flincoln@nvcmaine.org; bpaige@nvcmaine.org;
office@nvcmaine.org
Subject: Steve Kazilionis' Proposal to Develop a Large Garden Adjacent to George Street in Upper Bayview Park

We are opposed to Steve's proposal. We wish we had had an opportunity to discuss our concerns with our friend before this was apparently "approved" by the Parks and Trees Committee, but, that said, the following are the reasons for our opposition:

1. **Cost:** The cost of the long-term maintenance of this garden will be substantial and will ultimately be borne by the Village taxpayers. Watering, fertilizing, pruning, weeding and annual cultivating come at no small cost. We understand that the expectation may be that Steve will do this, but what is the plan once he is no longer physically able to do so?
2. **Precedent:** Approval would set an unwelcome precedent. How could the Overseers not approve other folks who would want a similar garden in one or more of our other public parks? Such approvals would exponentially increase the costs to Village taxpayers. Remember the ongoing situation with the efforts to rein in the wild growth from the plant materials installed years ago in front of the White Rock cottage at the top of lower Bayview Park.
3. **Liability:** There is inherent liability in permitting an unlicensed and uninsured person to develop and maintain a garden on public property. We're sure the Village requires all Village contractors to carry appropriate insurance. We expect that our insurance company would not look favorably on this risk. Have they been asked to opine on this matter?
4. **Attractive Nuisance:** This is an attractive nuisance. As it is, we see deer all year long on our security cameras grazing in the upper end of Bayview Park. Clearly, such a garden so approximate to George Street would encourage deer to migrate to this garden and increase the hazard of being struck by cars speeding at night along George Street, also increasing the hazard to motorists. Plus, the deer are likely to decimate the plantings. One needs only to observe the "trimming" they've done along the entire arborvitae border of upper Bayview Park. Is the solution to that going to be to wrap the plantings in some ugly protective material for much of the year, creating a months-long eyesore in our park?
5. **View:** A study of the proposal indicates that some plants will grow to 10' and 15'. This will materially reduce and change the view from our house, which has been enjoyed for over 115 years. The Village already chose to make one dramatic and material change impacting our view last year, when you approved, against the objections of more than 15 Village taxpayers, the planting of a tree with a canopy that will spread to as much as 60', blocking views from George street down to the bay. Why you would decide to approve yet another change that would significantly and negatively impact our vista is simply beyond belief. This certainly was not the intent when our park system was created over 170 years ago.

We hope you share our concerns and will be prepared to address them at the April 16th Overseers meeting while discussing the long-term ramifications of allowing this proposal to go forward. At the

least, we request that the Overseers consider tabling the vote until this summer when a larger audience of voters could hear the pros and cons and express their opinions.

Thank you for your attention to our concerns.

Respectfully,

Don and Lynda Webster
27 Rogers Lane (top of upper Bayview Park)

From: dan@baysidemaine.com
Sent: Friday, May 5, 2023 3:27 PM
To: Vicky Matthews; Lisa Fryer; John Hoy; Joe Reilly; Patricia Campbell; 'Alma Homola'; Bette Woolsey; 'John Woolsey'; Michael Tirrell; Victoria Matthews
Cc: NVC Office; NVC Archive; Janae Novotny
Subject: Opposition to Proposed Garden in Bayview Park

NVC Parks and Trees Committee,

I'd like to offer my comments on Steve Kazilionis's Garden proposal for upper Bayview Park. As I testified to at the last Overseers' meeting, I believe the proposal was inappropriately brought to the Overseers for action at the April 16 meeting, for all the reasons presented at that meeting. I won't restate those reasons here, but thank you for including the proposal on the May 6 committee meeting agenda.

I don't think the garden is, at all, an appropriate use of the park. As Don Webster (27 Rogers Lane, at the very top of Bayview Park) testified to at the April 16 Overseers' meeting and wrote to the committee and to the Overseers, there are many good reasons why the garden is an inappropriate use of public land, regardless of Steve's commitment to pay for the installation and maintain the garden for at least 10 years. I am in total agreement with Don's perspective. Between the Bayview Park tree last year and now this garden proposal, I feel like the Webster family's property rights on Rogers Lane are under an ongoing assault.

Bayview Park provides a continues greenway from the top of the park to the beach. Placing a garden in the middle of it, particularly such a large garden, interrupts what has been a beautiful view for a hundred plus years. And to what end? **This isn't something the community asked for or demanded. It's a single property owner's desire. It also sets a dangerous precedent.**

According to committee's own minutes, the last time the proposed garden was mentioned prior to the February 11 meeting was 18 months prior at the August 21, 2021 meeting. The minutes stated, "Steve Kazilionis presented an idea for donated shrub garden at the bottom of Upper Bayview. He will talk with neighbors and generate a plan to be submitted to the Tree Committee." In an email from committee member John Woolsey to the committee after that meeting, John addressed the need to protect views, in the context of the new tree to be planted in lower Bayview Park. In that email, John wrote, "I am frankly more concerned about Kaz's proposal to do plantings in upper Bayview Park. I will take some photos with my scale stick to determine how tall plantings could be without getting in the way of anyone's views." With trees now proposed that might grow to 15-25 feet, has even that consideration been undertaken? Not according to any minutes.

In addition to asking you to heed the excellent summation of drawbacks as presented by Don Webster and NOT recommend that the Overseers approve the proposal, I would like to request/suggest that any written input this committee receives related to the proposal be included as attachments to the committee's minutes so the public has an opportunity to read those viewpoints.

Thank you.

Dan Webster
670 Shore Road, Bayside
743 Shore Road, Bayside
751 Shore Road, Bayside
dan@baysidemaine.com

From: dan@baysidemaine.com
Sent: Friday, May 5, 2023 3:47 PM
To: Vicky Matthews; Lisa Fryer; John Hoy; Joe Reilly; Patricia Campbell; 'Alma Homola'; Bette Woolsey; 'John Woolsey'; Michael Tirrell; Victoria Matthews
Cc: NVC Office; NVC Archive; Janae Novotny
Subject: Opposition to Picnic Tables and Chairs in Merithew Square Park
Attachments: Policy for Preservation of Public Lands - Final.pdf

NVC Parks and Trees Committee,

I'd like to offer my comments on the agenda item "Some residents' desire to place picnic tables and chairs in Merithew Park." I was a frequent observer of the chairs and tables in the park last summer and fall, and I think they create an eyesore and were placed there to benefit a limited number of neighboring residents. As was discussed at the last Overseers' meeting on April 16, it was inappropriate for any resident to place them there without the prior permission of the Overseers, as documented in the Overseers Policy for Preservation of Public Land dated 5/9/22 and attached. As a member of the NVC Governance Committee, I was directly involved in drafting the policy.

One of the catalysts for the Overseers adopting that policy last year was because of the dilapidation of many of the benches that have been placed around the community. If the table and chairs are allowed to remain, who's going to be responsible for their maintenance, and who's going to be responsible for someone getting hurt by poorly maintained furniture? Who will periodically monitor their condition? That park has historically been used by children for outdoor activities. I think the placement of hard, semi-permanent structures like those proposed creates a potential interference with others' enjoyment of the park, as well as a hazard to the public. It also sets a bad precedent. If it's allowed, no doubt others will want to take over parts of the public lands for their personal enjoyment, and who's to say they are any less entitled than the current requestor?

If neighbors want to use our parks for assembly purposes, they should utilize temporary/portable furniture that can be removed at the conclusion of their event. Please don't encourage the cluttering of our public lands.

Thank you.

Dan Webster
670 Shore Road, Bayside
743 Shore Road, Bayside
751 Shore Road, Bayside
dan@baysidemaine.com

From: Wendy Huntoon <glhuntoon@comcast.net>
Sent: Friday, May 5, 2023 4:02 PM
To: Victoria Matthews
Subject: Parks and Trees Committee

Vicky -

I hope to attend Saturday's Parks and Trees Committee meeting. However, in order to same time, I thought I would submit my comments to the committee in writing.

I am personally not in favor of either of the donations currently under consideration by the committee. My objection to both are the same, specifically:

- While each could provide some level of service to the specific park, local neighborhood or villagers in general, neither are actually needed by the community.

- All donations, other than unrestricted cash, has underlying costs associated with it. Neither proposal adequately address the underlying costs associated with the donation, including long term sustainability. The Bay View park proposal clearly indicates that there is no way to predict covering the long term costs associated with a permanent park. Similarly the proposal to place picnic tables, chairs and other furniture in Merithew Square does not address the age, conditions or maintenance of such items.

- What is the convention for establishing gardens or placing items, including furniture, in public areas? In the absence of a policy, the acceptance of the two donations sets a precedence. Specifically is the committee, and then the overseers, willing to accept all garden proposals and donations of items on village land? could gardens be added to the middle and lower Bay View, Ruggles, Schribner, Auditorium, Blaisedall, Merithew Parks as well as in the various paths and walkways the village owns? Similarly can all parks accept picnic tables, lawn chairs and other items? If not, then what are the parameters for making a decision? Is it first come first served, those adjacent to the property, the community as a whole?

- NVC has a number of high priority items including staffing the office, balancing the budget, funding infrastructure projects, which neither of the donations address.

- The village is already struggling with maintaining the common grounds, is another garden, even if funded for 10 years, a good use of Village resources.

- If villagers are willing to donate to NVC, I believe the preference should be given to the things NVC needs and not based on personal preference or needs, which both the current donations seem to address.

Finally, while change can be good, I do not believe either proposed donation improves the area in question. Both donations obscure what is currently an open area and will actually serve as an impediment to the enjoyment of the area by the community as a whole.

Thanks,

Wendy

From: Patricia <peasea218@yahoo.com>
Sent: Friday, May 5, 2023 7:17 PM
To: Dan Webster; Bayside Victoria Matthews; Vicky Matthews; Victoria Matthews
Subject: Support of Merithew Tables

I'd like to state my thoughts regarding the tables in Merithew Square

I live directly across from Merithew and spent last summer enjoying the park with neighbors and Bayside friends

I was enthralled with children, the use of the park, parties, games and all the happenings.

The picnic tables in question are managed by all of us and are well built, heavy and quite sturdy. We all care for them and certainly make sure the park is neat and tidy. The tables are placed out of the way for children activities. Children use these tables for meals, activities, art & painting and even writing letters to friends and family. These are just a few of my observations of last summer.

There are other picnic tables in bayside. 2 at the children's playground and one at the yacht club. How are these managed, cared for, inspected for damage and kept tidy?

One of the many reasons I purchased my cottage is inclusivity and freedom provided to children who come and go, play their games and friendship during the summer in a safe space without a care. How magical is that?!!! Having your negative email arrive the night before the meeting is somewhat concerning

I look forward to our meeting -although by zoom.

As I sit here in the park enjoying friends and neighbors a few have asked to be included along with my name

Patricia Campbell
Harry Wollman
Celine Bewsher
Andrew Bewsher
Linda Elliott
Carlton Smith
Dan Mooney
Marisa Nopakun
Connie Rea
Steve Rea
Any Tingle
Maya Stein
Johanna Knott
Don Knott
Paul Weisenbach
Christy Weisenbach
Bryanna Ledyard

Patricia

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From: Paul Hamlin <phamlin68@gmail.com>
Sent: Tuesday, May 2, 2023 12:43 PM
To: vmatthews@nvcmaine.org
Subject: Fwd: New Bayside Event: NVC Parks and Trees Committee Meeting on Saturday, May 6 at 9 AM
Attachments: 2023-04-16-overseers-agenda-bayview-park-garden-proposal.pdf

Hello Vicky,

Not sure I will join the meeting so wanted to register my very positive comments in advance. I appreciate the offer and they are being very generous to offer 10 years of maintenance as well, so I for one am fully supportive. Just two comments:

1. I understand the general area, but still being somewhat new to Bayside, it would be helpful to see where this will be sited on a map.
2. I think whenever we can involve community members to do some of the work, even basic tasks like spreading mulch or cleanup, it brings a strong sense of community and ownership of the installation.

Sincerely,
Paul

----- Forwarded message -----

From: <dan@baysidemaine.com>
Date: Tue, May 2, 2023 at 11:11 AM
Subject: New Bayside Event: NVC Parks and Trees Committee Meeting on Saturday, May 6 at 9 AM
To: <dan@baysidemaine.com>

Attached is the Bayview Park garden proposal that was presented at the April 16 Overseers' meeting and is item #1 on the committee meeting agenda. See the link below as to where relevant documents may be posted prior to the meeting.

5/6/23 (Sat)

NVC Parks and Trees Committee Meeting (Virtual; 9 AM) The agenda includes: 1. A proposal for a donated garden in upper Bayview Park; and 2. Some residents' desire to place picnic tables and chairs in Merithew Park. The full agenda and any related documents should be available at <http://www.nvcmaine.org/about/northport-village-corporation-news/> in advance of the meeting. The public is welcomed to participate online at <https://us02web.zoom.us/j/89640938642?pwd=N0VjemVPQVpuMmhXcUFaeHILVUdwZz09>. The meeting ID is 896 4093 8642, and the passcode is 748303. To join by phone, dial 646-931-3860. Contact the Parks and Trees Committee chair, Vicky Matthews, at vmatthews@nvcmaine.org or 207-338-0751.

The full Bayside calendar is always available at <https://baysidemaine.com/calendar/>.

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