



OFFICE OF THE
PLANNING BOARD

TOWN HALL, 10 CENTRAL STREET, MANCHESTER-BY-THE-SEA, MA 01944-1399

Minutes of Planning Board Meeting – February 25, 2019

Present: Chairman Canny, Members Coons, Delisio, Fish, Foley, Mastrogiacono, Sullivan

Chairman Canny called the meeting to order at 7:00 p.m.

Chairman Canny opened the Public Hearing on the Master Plan. 19 interested citizens attended along with Town Moderator Alan Wilson, Town Administrator Greg Federspiel, Selectman Eli Boling, and Master Plan Committee members Gary Russell and Gary Gilbert.

Mr. Canny noted that a Master Plan Subcommittee had been established among Board members consisting of Mmes. Delisio, Foley and Fish. They met with Town Planner Brown on February 14. He entered the minutes of that meeting into the record.

Mr. Canny reported that Susan Beckmann, Co-Chairman of the Master Plan Committee who was not able to attend the Hearing had called him and said that she welcomed any comments.

Mr. Canny opened the Hearing for Public Comment. He said the Plan is a guide. Any material acted upon will be a public process especially any change of bylaws which would go to Town Meeting.

Mrs. Brenda Furlong, Ocean Street, said regarding Governance, that the Master Plan contains frequent recommendations that consultants be hired. She asked what kind of governance and protocols are in place, who will actually be directing the various consultants, what the credentials and criteria of the consultants will be, how the selection will be made, what the criteria will be and who will be supervising the consultants.

Town Administrator Federspiel said the selection of consultants will vary by the project. If Planning Board is leading the project, staff will bring in recommendations for the consultant. It will vary on what kind of study and who will be leading it. It is an open process. Anyone can look at the credentials of the consultants being considered. If it is Planning Board driven, Planning Board will guide on how it is done.

Mrs. Furlong asked if the various consultants being considered would be posted on the Town web site, and whether there will be a group of people who will be making the selection who will

document why and how the selection was made. She does not think one person should be making the decision.

Mr. Federespiel said that would not always be the case. If it is a Planning Board driven process then the Planning Board can guide how that process is handled. It will vary on the project and the study that is being undertaken.

Mr. Robert Meahl, 114 Beach Street, said there needs to be a documented procedure so that the taxpayer can look at it and see how it is done. The choice of the consultant should not be left to only one person.

Mrs. Maryann Wood, 6 Highwood Road, asked about the cost of chowder house repairs. Mrs. Furlong said the chowder house was substantially over budget.

Dr. Brian Miller, 92 School Street said that in 1986 new rules were established for District D and things were loosened to allow new construction. The Master Plan is now asking for higher density in D. He said there should be more restriction instead of less restriction.

Mrs. Helen Bethel, School Street, a member of the Open Space Committee, said that this plan intends to do deliberate development in the Limited Commercial District. Most of that district, a little more than half, is already in Conservation protection mainly for water supply protection and flood control. The parcels available for development were picked by the committee without consultation of the Conservation Commission and the Open Space Committee. There is a direct conflict in some instances. She said it is her understanding that the zoning is to be changed north of 128 to encourage the deliberate development. She would like the specific reasons for the conflict to be addressed.

Mr. Canny said the Conservation Commission has to be respected and applications applied for. If there is a desire to change the by-law for increased density that would be a process that the Planning Board or the ZBA would take up. There would be public hearings and the by-law change would have to pass at Town Meeting by a two-thirds vote.

Mr. Gary Russell, Magnolia Avenue, Co-Chair of the Master Plan Committee, said the recommendations for the consideration of rezoning for the LCD is just a recommendation to consider and one that the Master Plan Committee found a lot of support for. The Committee did not select specific parcels to target, it was simply discussing the parcels that are there. There is a map that shows property that is under permanent restriction which needs some updating and correction so there are a lot of parcels on the map that actually cannot be touched but they are still overlaid as existing commercial zoning. That is one issue that will have to be taken up during any kind of rezoning conversation. The Plan included any of the recommendations that talk about development especially in the LCD. The recommendation is that the Town focus on low impact development which has a strict set of standards about the environmental impact on the water shed and water resource areas. That in combination with the existing Conservation Commission restrictions setbacks can all be taken through a ConCom process.

Town Moderator Alan Wilson, 5 Spy Rock Hill, said for those parcels that are not permanently protected in conservation in the LCD, the Zoning Enabling Act, the state law, includes a very rigorous process of changing the Zoning By-Law. First there has to be a hearing process conducted by the Planning Board with an opportunity for public comment. A change requires a Planning Board recommendation to the Town Meeting, and a two-thirds vote at Town Meeting to adopt it.

Mrs. Furlong said any language that relates to maintenance and adding staffing are clearly the egis of the Board of Selectmen and the Finance Committee and do not belong in a Master Plan. Sharing staffing with another town will decrease staffing for Manchester.

Mr. Russell said regarding the staffing levels, the Master Plan covers a variety of topics that are not Planning Board topics. The nature of the plan is more comprehensive. The Master Plan Committee did the work so that the Planning Board would not have to do it. The purpose of maintaining staffing levels is to make sure Boards have enough support. Many towns our size and smaller struggle with keeping a volunteer work force. The consideration of staffing is making sure that we as a town have enough available support and resources to just keep business running. That is why the staffing recommendation was in the Master Plan.

Mr. Russell said the language in the Plan can be clarified.

Ms. Fish said the Board of Selectmen will be the ones who decide whether or not there will be increased staffing.

Mrs. Furlong said the Town Web Site only has the November 30 version of the draft. Mr. Russell said the non binding guidelines relative to people's awnings and entry has been removed since November 30.

Selectman Eli Boling said the Master Plan does not change the structure of governance of the Town. It is a set of guidelines, not the rule of the land.

Mr. Axel Magnusson, Masconomo Street, said he commends the Master Plan Committee for doing a tremendous job in balancing a number of issues. He particularly commended them for emphasizing the housing issue and for doing a masterful job of thinking through the consequences of living in a small town with limited buildable area and the issue of affordability and availability of housing. Related to that is how will the town sustain the level of services and the lack of capital investment. Balancing that with an increase in taxes either from businesses coming into town or the increased density of housing is the core issue that is on the table right now. The Committee has done a great job of setting that out for the Town to look at.

Mr. Meahl asked how the cost of related infrastructure is looked at in terms of increasing density.

Mr. Canny said the Planning Board will look at all of the recommendations that have been made; infrastructure and burdens on the school system will be part of that dialog.

Mr. Furlong said he was happy to learn that the plan was a guideline and not the town mantra.

Mr. Canny said it was well publicized to participate in all the public forums. Despite that, some of the meetings were not broadly attended.

Mr. Wilson said that the Master Plan Committee did an incredibly good job of encouraging public participation in the process. The Master Plan Committee made an effort to get people to come out. The Master Plan does not supplant any of the normal legal processes by which we change our by-laws.

Steve Kelley, Summer Street, recommended that on page 16 under Fiscally Responsibility and Transparency in Government, add whether the proposed action is a deviation to an existing plan of record. He recommended adding the bullet: “. report any deviations from documented plan of record”. The majority of the Board indicated that they agreed.

Axel Magnusson asked what will happen to the sewer processing plant. Mr. Russell responded that it (sewer processing plant) is imbedded in the infrastructure section. The Plan recognizes that but does not give any specific recommendations about where it should go or how it should be done. It is a gravity fed system which is why it is located where it is.

Mr. Federspiel said there is a statement about planning for all town facilities and that would be in that rubric. It is a long term discussion.

Mr. Boling said a few years ago there was a Wastewater Management Plan put together by the Town and people were encouraged to adopt private septic systems.

Mr. Gary Gilbert said he was on the Master Plan Committee and they had many meetings. A lot of people came to many of the meetings and discussed infrastructure, income, affordable housing, rethinking those, knowing we have to balance many conflicting issues. The Committee worked to identify the issue, to document things and not judge.

Mr. Steve Kelley asked where this goes from here.

Mr. Canny said the Board would give the recommendations to Town Planner Brown and the Master Plan Committee would make revisions.

Discussion ensued about whether the Town Meeting would vote on the adoption of the new Master Plan as they did the last Master Plan. Mr. Russell said the 2000 Plan voted by Town Meeting was a one page, 5 goal statement plan. The new Master Plan has more than 60 pages.

Mr. Wilson said the Master Plan is non-binding, and a negative vote on a non-binding article has no effect. Neither does a positive vote on a non-binding article. He said that to bring something as detailed as the full Master Plan to Town Meeting would not be productive.

Mr. Axel Magnusson suggested that the Implementation Matrix of the Plan be in a more palatable form.

Mr. Russell said Implementation Matrix needs to be finessed. The Committee is planning to make a high level summary, smaller, more digestible and accessible brochure and summary for all town residents and to put on the web.

Dr. Miller said he is glad that this is a guideline only. We do not need to loosen the guidelines. We need to restrict them, not only housing, but parking and roadways will be an increased issue if density is increased.

Mr. Canny said to keep in mind that any changes to the by-laws have to go through public hearings and town meeting with a two-thirds vote.

There being no further discussion, and upon motion made by Mr. Mastrogiacomo and seconded by Mrs. Foley, it was VOTED to close the Public Hearing on the Master Plan.

Mr. Russell remained.

Mrs. Delisio summarized the issues of the Subcommittee Meeting with Town Planner Brown as: Governance, the Design and Review Team, Where do we go from here, and Vote on whether to keep the language about the DRT in or not.

The Board voted to make the following changes to the January 30, 2019 Master Plan Draft:

Upon motion made by Ms. Fish and seconded by Mrs. Delisio, it was VOTED to amend the paragraph on page 11 identified as “Adopt a Town Character Statement and design guidelines to encourage development consistent with town character.” by deleting the sentence beginning with “The guidelines” and ending with “and more.” And by deleting the sentence beginning with “The goal” and ending with “Character” so that the paragraph reads:

“The Manchester-by-the-Sea Town Character Statement (TCS) would describe the distinctive qualities and characteristics of the town’s natural environment, the built form of our community and the land development patterns that are important to town character. These qualities and characteristics would be documented with images and text and provide the basis for a set of non-binding design guidelines that encourage renovation and development sensitive to Manchester’s character.”

Upon motion made by Mr. Canny and seconded by Mrs. Sullivan, it was VOTED to amend the paragraph on page 14 identified as “Evaluate the long term viability of

low lying coastal roads in light of rising sea level, identify retrofits including potential alternatives for access in the future.” by leaving the title in and deleting the paragraph beginning with the words “Low lying coast roads” and ending with the words “public access rights.”

Upon motion made by Mr. Canny and seconded by Mrs. Sullivan, it was VOTED to amend the paragraph on page 18-19 identified as “Revise Zoning in the General District to generate more commercial and residential opportunities downtown.” By deleting the Word “Revise” in the heading and replacing it with “Consider revising”; by deleting the word “Revise” in the first sentence and replacing it with “Consider Revising”; by adding the word “may” between the words “support” and “Include”, by deleting the words “boutique hotels” and replacing them with the words “Inns, B&B’s”. It was further VOTED to insert the words “and Planning Board” between the words “Town,” and “land-owners” in the third bullet , so that the paragraph reads:

“Consider revising Zoning in the General District should [N.B. should probably be replaced by “to”] focus on encouraging appropriate, village-scale development that will create a vibrant mixed-use downtown and potentially expanding the District’s boundaries. Height, mass and general scale of development would not be significantly different than what exists today. Additional downtown uses that have received community support may include Inns, B&B’s, and residential uses over retail. Incremental growth consistent with village character is desired.

- Convene meetings with landowners within Downtown to discuss potential and desire for change. Parking, circulation and residential options are key considerations.
- Consider potential climate change impacts and address in new regulations as needed.
- Engage Consultant to work with Town and Planning Board, land-owners and public to draft appropriate Zoning. (Any zoning change requires approval by Town Meeting)”

Upon motion made by Ms. Fish and seconded by Mrs. Sullivan, it was VOTED to delete the bullet which is located in the section entitled “Increase and integrate housing ...options.” on page 26 which reads: “Consider revision of Inclusionary Bylaw to require payment to AHT for any non-owner developed housing.”

Upon motion made by Mrs. Sullivan and seconded by Ms. Fish it was VOTED to delete the word “Construct” which appears in the first bullet on page 29 and replace it with the word “Consider”.

Upon motion made by Mr. Canny Mr. Mastrogiacomo, it was VOTED to revise page 32-33, by revising the language which states: “Continue to support and competitively fund professional staff and delete the four bullets at the end of the paragraph so that it reads:

“Continue to adequately support professional staff in support of Town operations. Professional staff is a key component of Town operations; this is equally true for staff that provides technical and administrative support to regulatory Boards and Committees, which are mandated permit-issuing authorities (Conservation Commission, Planning Board, Zoning Board of Appeals, Historic District Commission). While Manchester is fortunate to have a vibrant volunteer culture, Boards and Committees are challenged by an often burdensome workload and scheduling conflicts that impact efficiencies and sometimes delay the permitting process. A predictable and consistent permitting process is essential to the ongoing business of residents, as well as for attracting new investment; professional staff are critical to managing and supporting the work of Boards and Committees.”

Upon motion made by Ms. Fish and seconded by Mrs. Delisio, it was VOTED to delete the entire paragraph on pages 33-34 which is entitled “Implement Design Review Team review on any project that requires a Site Plan Review Special Permit from the Planning Board.” Beginning with the title and ending with the words “Plan changes.” Messrs. Canny and Mastrogiacomo spoke against deleting the paragraph. The vote to delete prevailed.

Upon motion made by Mrs. Sullivan and seconded by Ms. Fish, it was VOTED to approve the Master Plan as edited at this meeting with the understanding that the Board will draft and write a Town Character statement and will work on clarification of the Implementation Table.

May Meeting Dates

After discussion, it was the consensus of the Board to meet on May 6 and May 20 this year.

There being no further business to come before the meeting, and upon motion made by Mr. Mastrogiacomo and seconded by Ms. Fish it was VOTED to adjourn. Adjourned at 9:45 p.m.

Submitted,

Approved by the Board on April 8, 2019

Helene Shaw-Kwasie
Secretary

Connie Sullivan
Clerk

N.B. These minutes are not verbatim. They are the secretary’s interpretation of what took place at the meeting.

Documents used at this meeting: Master Plan revised through January 30, 2019