



MANCHESTER-BY-THE-SEA

ZONING BOARD OF APPEALS

Manchester-by-the-Sea, Massachusetts 01944-1399

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MINUTES

ZONING BOARD OF APPEALS – 40B

ZOOM Meeting April 5, 2022

Members Present: Sarah Mellish (Chairperson), John Binieris, James Mitchell, Brian Sollosy, James Diedrich, Kathryn Howe, and Sean Zahn

Staff Present: Town Planner, Sue Brown, Administrative Assistant, Gail Hunter

Guests: Geoffrey Engler, SLV School St. LLC., George Pucci, KP Law

PUBLIC HEARING – 40 B CONTINUED APPLICATION

Ms. Mellish called the ZBA meeting to order at 7:01p.m. on April 5, 2022 and introduced the Board.

Ms. Mellish opened the Public Hearing on the 40B Continued Application of Geoffrey Engler of SLV School St. LLC, to be known as The Sanctuary at Manchester-by-the-Sea, for a comprehensive Permit under M.G.L. Chapter 40B, Sections 20-23 to construct a 136-unit apartment complex for which the Massachusetts Housing Finance Agency issued a Project Eligibility Decision on September 16, 2021, at School Street, Assessor's Map No. 43, Lot No.18 filed with the Town Clerk on September 26, 2021.

- Davis Square Architects Peer Review



Davis Square Architects Peer Review.pdf

Mr. Boehmer, Principal with Davis Square Architects, Inc. introduced himself stating that he has been designing Housing Developments for 30 years and his experience includes a high number of Affordable Housing Developments. He stated he is sensitive to the needs of tenants in developments and added that part of his role is to look at the impact a proposed project has on the public realm, and it is important to ensure the design of the development works for future residents. His initial discussion highlighted the following issues:

- 40B Developments have a greater density than other developments it is important that everything be done within reason to make the project fit in with existing development.
- Mr. Boehmer stated he does not know what this project is going to look like.
 - It is important to understand how the project is perceived from the public realm and that cannot be done from the materials provided. He cannot determine how the project will look from School St. or Route 128.
 - He recommended the Board push hard for accurate representations of the project.
- Mr. Boehmer noted the proposal is an aggressive approach to development with 270K cubic yards of material displaced but he does not know how much material remains on site or is removed.
- Mr. Boehmer would like to understand the amount of clearing going into creating the plateau, roadway, pedestrian path and related clearing necessary for other construction.
- The Board will need an accurate depiction of the development from the public realm.
- Around understanding the quality of life for future residents it is important to understand
 - The site is isolated – 1.7 miles from Town Center
 - “Vertically challenged” with a long steep driveway and even longer pedestrian walk
 - Mitigate isolation through self-sufficiency, however, there is not enough active recreation space for families and children
- The Board will need a clear understanding of the removal and remaining vegetation
- He noted a development at grade can easily manage lighting expectations in an elevated development that is challenging and needs to be given consideration to maintain a dark sky
- In this type of development engineering issues lead the project
 - In planting a project in a sensitive site surrounded by wetlands, Mr. Boehmer urges the Board to dig deep on environmental issues.
 - And suggests the Board understand if this project be done technically
- Mr. Boehmer believes this is a difficult site issues and aspects like the following:
 - Construction management
 - Cut & fill analysis
 - Building retaining walls –

And the feasibility of these aspects need to be understood with adequate detail.

The goal in creating Affordable Housing is creating a project where people want to live. Mr. Boehmer has questions about the construction of the development and around self-sufficiency for the proposed development. Mr. Boehmer complimented the Town on requesting an advisory opinion from the Architectural Advisory Board stating it is an important consideration that residents have walkways and children can bike down from the development.

Mr. Binieris thanked Mr. Boehmer and asked from Mr. Boehmer’s point of view how long would the development as presented take to build. Mr. Boehmer stated if this build were being constructed at ground level, he would estimate construction to take a least 18 months, but this is not a simple project, and he cannot estimate the project timeline.

Mr. Binieris asked if it was fair to say that more than 7 acres will be distributed during the construction process and is it likely that sensitive wetlands and vernal pools will be adversely

impacted. Mr. Boehmer stated there will be disruption for the proposed septic system and suggested a Blasting Expert present to the Board on the impact from blasting on sensitive environmental areas.

Mr. Binieris asked for Mr. Boehmer's take on the single driveway. Mr. Boehmer stated it is not ideal.

Mr. Mitchell thanked Mr. Boehmer and noted this development will have a lasting impact on the community and requested additional information around the request for what the building will look like. Mr. Boehmer indicated he knows the architectural firm well that designed the development, and they are fully capable of providing three-dimensional models of the building including grades, vegetation, and the scale of the building from multiple views.

Mr. Mitchell is concerned about the quality of life given the isolation from Town, the vertical challenges, vehicular circulation, lack of bicycle parking and dark sky impact. He asked if there is a way to foster integration with the Town and if there is anything the Board could ask for from the Developer that would help. Mr. Boehmer stated other than to visit residents who live at the site there is little to invite non-residents to the site. He suggested a pathway around the site for residents to explore the site and to focus on self-sufficiency at the site.

Mr. Boehmer added what we like to see in a 40B development is challenging. Where this site is and the topography of the site has resulted in the Developer creating problems to be solved. That does not mean the problems are insolvable. Residents can invite people to the top of the hill for the views and swimming pool. However, Mr. Boehmer believes the passive recreation spaces are inadequate especially anticipating the needs of school age children. He suggested cutting down on the scale of the building to allow for more recreational space.

Mr. Sollosy asked about the number of bedrooms indicating the development appeared to be dominated by one-bedroom units. Mr. Boehmer replied there are 96 non-primary bedrooms and that was his consideration for the number of bedrooms that could be occupied by children.

Neither Ms. Howe nor Mr. Zahn had questions at this time. Ms. Mellish asked about guidelines for outdoor space. Mr. Boehmer suggested landscape architects would develop that information and there are standards for playgrounds given the area and potential number of children on the site.

Mr. Gilbert, Planning Board member and an architect stated the proposed development does not resemble a residential structure but has the potential to look like a handsome New England village. He supports the idea of a smaller footprint for the building. And cautioned for the need for multiple types of pathways not limiting the sidewalk to one with ADA accessibility. Mr. Gilbert suggested adding pathways for bicycles and one for regular walkers. He noted if that is not provided for people will just walk and bike across the grass.

Mr. Diedrich asked if the visual impact issues were solvable. Mr. Boehmer replied there is very little slack built into the project which is environmentally sensitive and suggested a Plan A and Plan B for flexibility during construction. Mr. Diedrich asked about the negatives to the location.

Mr. Boehmer stated the site creates a lot of issues for the Developer due the technical challenges and concluded the site may not be optimal.

Mr. Engler asked for the opportunity to respond. Indicating he and his team will provide a comprehensive response to Mr. Boehmer's peer review. He added he appreciated the report he knows Mr. Boehmer to be professional and thoughtful in his assessments. He disagrees that materials provided were inadequate. His team submitted renderings, elevations and plans from an experienced architect. He will provide additional three-dimensional views of the proposed building. He mentioned that Mr. Boehmer failed to mention the 5,000 square feet of interior amenity space.

Following a brief discussion on time required to provide additional material and scheduling it was concluded Mr. Boehmer returning on May 11, 2022 to review responses from SLV.

- Review Final Traffic & Public Safety Peer Review, Responses and Public Input



Final Traffic &
Public Safety Review

- Discuss Traffic & Public Safety concerns/possible conditions

Ms. Mellish asked the Board if they felt they had enough information to decide and close out further requests for information on Traffic and Public Safety. Mr. Diedrich, Mr. Zahn, and Mr. Binieris were good. Mr. Binieris asked for confirmation that the last document from Vanasse and Environmental Partners was the final information needed. Ms. Mellish will confirm that the Board has all information needed prior to closing out Traffic and Public Safety.

- Update of Vernal Pool & Wildlife Habitat Studies

The Board received an email update from Ms. Minihane, B&T on 4/1/2022 stating she had been on site, pools were certified, an additional pool was identified, and the work is in progress.

- Identify New Requests by ZBA to Applicant & Update on outstanding items

Ms. Mellish listed the following requests for SLV. Mr. Engler acknowledged the list and asked for the request to be made in writing.

On March 25, 2022 the Board received the following:

- Updated Civil Engineering Plans
Excluding on site Wastewater Plant
Did not include sidewalk concept plan – the Board needs to determine the footprint of the sidewalk, impact on blasting, proximity to closest Vernal Pool, impact on snow removal and storage plan, elevation comparison to driveway.
- Did receive a 292-page drainage report which Ms. Mellish will defer to B&T
- Snow storage strategy does not include sidewalk

- Received updated waivers request
 - Letter regarding Water and Sewer Strategy April 27, 2022
 - Letter regarding Conservation Land Strategy
 - Updated landscape plan
 - Today received updates on Conservation Waivers in response to B&T environmental peer review
 - Outstanding response to Architectural Peer Review and additional material requested in Peer Review
 - Narrative on sidewalk concept
- Next Meeting Continue Public Hearing

Ms. Mellish outlined the remaining meeting schedule:

April 13, 2022 – B&T Environmental & Engineering Review

April 27, 2022 – Sewer Strategy

May 11, 2022 – Architectural

Additional meetings will be scheduled on June 8, 2022 with the Close of the Public Hearing scheduled for June 22, 2022.

Ms. Mellish moved to continue the Public Hearing on the application of Geoffrey Engler of SLV School St. LLC, to be known as The Sanctuary at Manchester-by-the-Sea, for a comprehensive Permit under M.G.L. Chapter 40B, Sections 20-23 to construct a 136-unit apartment complex for which the Massachusetts Housing Finance Agency issued a Project Eligibility Decision on September 16, 2021, at School Street, Assessor's Map No. 43, Lot No.18 filed with the Town Clerk on September 26, 2021 to April 13, 2022 at 7:00 p.m. Mr. Binieris seconded the motion. The motion passed unanimously with Mr. Binieris, Mr. Sollosy, Ms. Howe, Mr. Mitchell, Mr. Diedrich, Mr. Zahn, and Ms. Mellish voting affirmatively.

ADMINISTRATIVE MATTERS

- Review and approval of meeting minutes: February 9, 2022

Mr. Zahn moved to approve the minutes for February 9, 2022; Mr. Mitchell seconded the motion the motion passed with Mr. Binieris, Mr. Sollosy, Ms. Howe, Mr. Mitchell, Mr. Diedrich and Mr. Zahn voting affirmatively. Ms. Mellish abstained.

- Any other administrative matters that could not reasonably been anticipated in advance of the meeting.

There were no additional administrative matters discussed this evening.

- Adjourn

Ms. Mellish moved to adjourn the meeting; Mr. Mitchell seconded the motion. The motion passed unanimously by roll call vote.

