



MANCHESTER-BY-THE-SEA

PLANNING BOARD • TOWN HALL
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Minutes of the Planning Board

Monday, April 24, 2023 6:30 p.m. Room 5, Town Hall Hybrid Meeting

<https://us06web.zoom.us/j/89383185173?pwd=cDUxWlp5V0tkS21kemxYQjlkdGtTUT09>

Meeting ID: 893 8318 5173 Passcode: 335180 Dial in: 646.558.8656

MEMBERS PRESENT: Ron Mastrogiacomo, Chair, Sarah Creighton, Susan Philbrick, Chris Olney, Laura Tenny, Christina Delisio, and Mary Foley

MEMBERS NOT PRESENT: All members were present.

SELECT BOARD MEMBERS: Becky Jaques, Ann Harrison, and John Round

STAFF PRESENT: Town Administrator, Greg Federspiel, Interim Town Planner, Betsy Ware, PB Administrator, Gail Hunter

Call to Order Mr. Mastrogiacomo called the Planning Board meeting to order at 6:30 p.m.

Acknowledge receipt of correspondence

Allow public comment on items not on the agenda with a limited time. There was no public comment this evening.

FEMA Flood Maps Review

Ms. Ware stated that the FEMA maps are to be used, in conjunction with FEMA officials and State reviewing agents, to create the new floodplain Zoning By-Law, aimed to be presented at the Special Town Meeting in November.

Ms. Ware has spoken with a FEMA official who stated that there is no deadline for the Town of Manchester-by-the-Sea to submit comments related to the preliminary maps prior to the 90-day appeal period which starts in early July 2023 and goes through early October 2023. Therefore, comments can be submitted between now and early October 2023.

The maps are available by contacting the planning staff as well as Sue Croft in the Town Administrator's office. Ms. Croft is the point person on the Harbor Management Committee, so they have the second paper copy of the plans. Electronic versions are online at the Federal Emergency Management Agency (FEMA) website. Board Members can submit comments now or during the upcoming 90-day appeal period.

MBTA Communities Multi-family Zoning Districts – Section 3A

Ms. Ware stated that the various Boards, Committees, and Commissions have been designating members to serve on the MBTA Task Force. There have been six members designated and the At-Large members will be interviewed by the Planning Board and Select Board in early-mid May.

Ms. Ware added that the Town of Lexington has reached its goal of 10% affordable units and has also been successful in drafting and adopting MBTA zoning. The language can be viewed on the Town of Lexington’s website.

Public Hearing 7:00 PM, 117 School St, - Section 10.3 Relief for a Site Drainage Plan

Ms. Ware stated that based on recent discussions with the applicant’s representatives and with the Town Engineer, the following responses were provided as replies to the Planning Board’s concerns:

The drainage system as proposed is an artificial holding system of stormwater. It is not a Cul-Tech or similar system, which would be dug into the ground, but it was concluded by the DPW director, Town Engineer, and Ms. Ware that a system dug into the ground would be more invasive. This system seems to comply with the intent of an “artificial recharge” system. (The Board needs to add a definition in the Zoning By-Law that addresses this type of system.)

The test pits indicated that the soil was sandy. Between the lawn area and soil, the Town Engineer did not believe that there would be any degradation of water quality.

There is no wetlands map or indication that there is a wetlands, as defined by the Wetlands Protection Act or local By-Law, in the backyard of this property. If the Board needs confirmation of this, the applicant’s engineer could get a determination from a wetland’s scientist.

The lot coverage appears to be almost double what the recommendations are for the groundwater overlay district. In the next meeting the Board has requested calculations on how the lot coverage figures were generated and the figures should include the barn/pool house.

Finally, due to the proposed pool, this project will need to go to the Zoning Board of Appeals for a special permit for installation of a pool. Below is the final determination for 117 School St.



117 School St.
Decision.pdf

Public Hearing 7:00 PM Adoption of Rules & Regulations MGL 40A, Sect 9 MGL 41 Sects 81A & 81B

- PB General Operating Procedures
- Conduct at Meetings
- Site Plan
- Special Permit
- Hiring of Consultants MGL C44, Section 53G Process
- Fee Schedules

Ms. Ware stated that she has received comments from most Board members and has spoken with Town Counsel. She would like to have the final document ready for the Board to vote on in May. Ms. Ware added that it was important to move all Planning Board applications out of the subdivision section into a new section with applications and a fee schedule. Ms. Ware stated that the Special Permit and Site Plan Review fees were \$150.00 and \$175.00 while most other local communities' fees for Special Permits was \$300 and Site Plan Review \$400.

Ms. Ware reported there were several curb cut applications on hold waiting for new regulations. Mr. Mastrogiacono asked if the old regulations were still in place why the applications were not moving forward. Ms. Ware clarified that DPW needs a process defined and approved by the Planning Board. Ms. Creighton agreed.

Ms. Creighton stated that as a matter of process she would like the curb cut regulations to state clearly that curb cut applications should be processed prior to construction of new homes. Additionally, she would like clarification around the role of the Building Inspector and his role in enforcement of Zoning.

Ms. Foley stated that the Board needed to have two readings of the proposed Rules and Regulations prior to adopting. Additionally, she noted that this was a large document and proposed reviewing and approving the document section by section. Ms. Tenny stated that the document is process related it is good to review as a Board but if there are specific areas that need to be reviewed the Board should do that and move forward with a many sections as possible.

Ms. Creighton moved to continue the Public Hearing on Rules and Regulations to May 8, 2023 at 7:30 p.m., Mr. Olney seconded the motion. The motion passed unanimously.

ANR - 1 Windemere Park Ext (Ross)

Ms. Ware stated that the plan submitted meets the requirements for an ANR plan. No subdivision is proposed in the ANR before the Board. The plan complies with the requirements of the Board's subdivision rules and regulations. The plan indicates a portion of a parcel on School Street is being broken off and added to form Parcel A. Parcel A will be combined with Ross land.

Ms. Ware reminded the Board that the Board's only authority on an ANR plan is frontage and access. Is the frontage existing and is access viable? Ms. Philbrick requested confirmation of frontage for each proposed lot: lot 1 frontage = 50.5', lot 2 frontage = 75', and lot 3 frontage = 83.98'.

Mr. Olney moved to endorse the ANR as presented according to the plan of land for 130 School St. with a scale of 1 inch is 40', Ms. Creighton seconded the motion. The motion passed unanimously.

Ms. Delisio asked why the Board was no longer using ANR numbers. Ms. Ware pointed out that ANR numbers are not part of MA General Laws. Ms. Hunter indicated that filing by ANR number leaves no easy access process to previous ANR's; adding all records in Town Hall are filed by address. Mr. Mastrogiacono pointed out that the change had been implemented and discussed during previous ANR hearings. Ms. Delisio requested a memo regarding this change. Ms. Ware will provide a memo.

Warrant Article Discussion

Next Steps Senior Housing (sect. 9.4), Administrative (sect.12), ADU, (sect. 9.1), and Flood Plain By-Law The Board discussed and agreed to move forward Administrative, Section 12. During the discussion,

no consensus was reached on how associate board members should be appointed. Ms. Ware proposed presenting two proposals for Administrative, Section 12, one proposal with a recommendation for appointing associate board members and one without.

Additional subjects discussed:

- Aquifer Overlay District
- Senior Housing – Ms. Tenny supports addressing and not pausing on Senior Housing given the aging population and the current hosing crisis.
- ADU's
- Floodplain By-Law – Ms. Delisio requested a timeline for developing the Floodplain By-Law, Ms. Ware agreed to provide a timeline.

Planner's Report



Planner's Report
4.27.pdf

Liaison/Committees/Task Force/Working Group Updates

Mr. Mastrogiacomo provided the meeting minutes from the **Water Resource** meeting, in the PDF below. Mr. Mastrogiacomo also mentioned that **the CPC** will be meeting next month.



4.12 Water
Resource Mtg. Min.1

Ms. Creighton stated that the role of the **Harbor Management Working Group** is to provide information and feedback to the consultant hired to develop the plan.

Ms. Tenny indicated that the Coastal Zone Management Steering Committee had scheduled the first meeting for early May.

Approval of: Regular Meeting Minutes: (3/13 and 3/27). Rules and Regulations Subcommittee Meeting Minutes.

Ms. Creighton moved to approve the meeting minutes of March 13, 2023; Mr. Olney seconded the motion. The motion passed unanimously.

Ms. Creighton moved to approve the meeting minutes of March 27, 2023; Mr. Olney seconded the motion. The motion passed with Ms. Foley and Ms. Delisio abstaining.

Mr. Olney moved to approve the subcommittee meeting minutes of March 15, 2023; Ms. Foley seconded the motion. The motion passed unanimously.

Other Matters, as may not have been reasonably anticipated by the Chair. There were no additional matters discussed this evening.

Ms. Creighton moved to adjourn the meeting; Mr. Olney seconded the motion. The motion passed unanimously.

