



OFFICE OF THE  
PLANNING BOARD

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

Minutes of Planning Board Meeting – April 26, 2021 - Virtual

Zoom Meeting

<https://zoom.us/j/95714533136?pwd=aTRSN0x1M3F0S25qYmpyTXZ4UU5Ddz09>

Meeting ID: 957 1453 3136

Passcode: 032118

One tap mobile

+16465588656,,95714533136# US (New York)

Dial by your location

+1 646 558 8656 US (New York)

Present: Chairman Ron Mastrogiacomo; Members Loren Coons, Christine Delisio, Mary Foley, Gary Gilbert, Chris Olney, Gary Russell

Staff Present: Town Planner Sue Brown

Minutes: Helene Shaw-Kwasie

Chairman Mastrogiacomo called the meeting to order at 6:30 p.m.

Allow public comments on items not on the agenda with a limited time.

Resident Sheila Hill requested that the Chairman respond to the letters she has sent.

Surf Village Project Complete Release (R. Brown)

Atty. Orestes Brown appeared before the Board representing Surf Village and requested that the Planning Board execute a Release of Covenant.

Town Planner Brown received an email from the Building Inspector saying that an As-Built was submitted and he believes the construction to be complete.

Atty. Brown said the final Surf Site Plan which was dated April 12, 2019 became the final As-Built and he recorded it at the Registry of Deeds. Chairman Mastrogiacomo who has singular signing authority will sign the Release in front of a Notary Public and return it to Atty. Brown

Regarding whether Gloucester signed off on the two units located in that Town, Atty. Brown said Surf had received Building Permits and Occupancy Permits from the Gloucester side. All issues were on the Manchester side of the property.

Regarding whether there was a physical inspection done by the Building Inspector, Atty. Brown said the Building Inspector relies on the Engineer's certification. He said the electrical inspector has signed off;

the storm water management had to be redone and came back to the Planning Board. The DPW signed off on that engineering. Title 5 has been signed off.

Upon motion made by Mr. Olney and seconded by Mr. Coons with all members voting in the affirmative by roll call vote, it was VOTED that the Chairman is authorized to sign the Release on behalf of the Board.

19-21 Forster Rd, Request for opinion on adequacy of common driveway (Glovsky)

Atty. Miranda Siemasko of Glovsky & Glovsky appeared virtually and requested an Opinion on the adequacy of the Common Driveway for 19 Forster Road under Section 5.1 of the Zoning Bylaw. She submitted a plan entitled “Approval Not Required Plan for 21 Forster Road, Manchester, Massachusetts” dated December 27, 2018 prepared by Mill River Consulting and endorsed by the Planning Board on January 28, 2019. The owner of 19 and 21 Forster Road, Mr. Jeffrey M. Bistrong, seeks an opinion from the Planning Board that the 18’ Common Driveway Easement shown on the ANR Plan satisfies the requirements for Adequate Frontage under section 5.1 of the Zoning Bylaw.

Section 5.1 (Adequate Frontage) of the Zoning Bylaw states that “In issuing building permits for construction on lot(s) with frontage considered by the Building Inspector to provide impractical vehicular access, or otherwise satisfying only technical and not practical frontage compliance, the Building Inspector shall be empowered to ensure that said lot(s) have access to that portion of the lot(s) to be constructed upon by means of easement or so-called "common driveways" which are, in his opinion and in the opinion of the Planning Board, of adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land, and for the installation of municipal services to serve such land and buildings erected or to be erected thereon and which meet the design standards contained in Section 6.2.8 of these By-laws....”

Atty. Siemasko submitted a letter from Daniel Ottenheimer, PE, of Mill River Consulting, to Atty. Mark Glovsky dated December 19, 2018 in which Mr. Ottenheimer confirms that the common driveway easement in question has been designed and laid out to satisfy the requirements of Section 6.2.8 of the Zoning Bylaw, as follows:

- The Common driveway is not being sought to become a public road
- The common driveway is not being proposed as frontage
- The Town is not being asked to construct, reconstruct, maintain or remove snow from the common driveway
- The common driveway is drivable for 18’ of width
- The grade of the common driveway is 3.4%
- The length of the common driveway is 190’
- The common driveway at the street intersection has a slope of <1% at the first 20’ and a slope of <1% at the next 30’.

Atty. Siemasko submitted an email dated December 27, 2018 from Building Inspector Paul Orlando to Jennifer Pszeny of Glovsky & Glovsky stating: “It appears as though the plans do show compliance with the frontage requirements of the Zoning Bylaw.”

After discussion and upon motion made by Mr. Coons and seconded by Mr. Olney, it was VOTED by roll call with all members voting in the affirmative: To opine that the Planning Board agrees with the opinion of the Building Inspector that the driveway appears to meet the requirements of 5.1 and 6.2.8.

ANR, 16 & 20 Magnolia Avenue (Bonaccorso)

Mr. Gilbert recused himself as he is a neighbor.

Atty. Wm. Bonaccorso appeared before the Board with an ANR application to transfer a 1,933 s.f. parcel identified as Parcel C from 16 Magnolia Avenue to be joined with 20 Magnolia Avenue to form one contiguous lot identified as 20 Magnolia Avenue. No lot is left without frontage.

After discussion and upon motion made by Mr. Coons and seconded by Mrs. Foley, with all members voting in the affirmative by roll call vote, it was VOTED to endorse as ANR #819 the plan entitled “Plot Plan of Land Manchester-by-the-Sea” surveyed for: William M. & Lisa W. Mann, 20 Magnolia Avenue, Scale: 1” = 20’ Date December 16, 2020, by David P. Terenzoni, P.I.S

Mr. Mastrogiacomo will sign the Mylar on behalf of the Board and Mr. Bonaccorso will pick it up at his residence.

LCD Study discussion/decision FinCom

Mr. Mastrogiacomo reported that this matter does not have much traction with the Finance Committee Town Planner Brown said there might be grants available in the interim.

Members Delisio and Foley spoke in opposition to postponing the study.

Finance Committee Chairman Sarah Mellish said \$50,000 is a lot of money in the capital budget. What was presented was not definitive enough to show what would be produced. The FinCom has run out of time for the Town Meeting budget and does not have a report that would produce a favorable result. She recommended delaying the matter to the next election.

After discussion, motion made was made by Mr. Gilbert and seconded by Mr. Russell, that the Planning Board not continue with its request to the FinCom for a study for the LCD at this time. It was VOTED by roll call Vote with five members (Mastrogiacomo, Coons, Gilbert, Russell, Olney) voting in the affirmative and two members (Delisio, Foley) voting in opposition. The motion that the Planning Board not continue with its request to the FinCom for a study for the LCD at this time passed.

Discussion on pursuing 40R

Members discussed the matter of putting off pursuing 40-R zoning in the LCD for the time being. It was noted that a proposed 40-B has complicated the issue. After discussion, with all members voting in the affirmative by roll call vote, it was VOTED to recommend to the Board of Selectmen that they not proceed with a 40-R land use development approach in the Limited Commercial District at this time.

Process on Providing Comments to 40B Application

Chairman Mastrogiacomo reported that revised plans had been submitted to the BoS for the proposed 40B. Members were asked to review and submit comments to the Town Planner who will pass them on to the Selectmen.

Town Planner Brown has sent the Board a link to a seminar on reviewing a 40B.

Approval of Regular Meeting Minutes: April 12, 2021 (if available)

Upon motion made by Mr. Russell and seconded by Mr. Olney it was VOTED by roll call vote with all members voting in the affirmative to approve the minutes of April 12 as amended.

Recodification Comparison Chart/Website Document (Olney/Mastrogiacomo)

Mrs. Foley volunteered to work with Messrs. Olney and Mastrogiacomo on this project.

Subcommittee and Liaison Updates

Mr. Mastrogiacomo reported that the CPC 5-Year Plan was described by the CPA as being at the top of the list of all cities and towns in the State.

Mr. Olney reported that the Housing Authority and Housing Trust will be continuing meetings with residents. He reported that Town residents have raised \$1.2 million to acquire a building at Powder House Lane to be used for affordable housing.

Upcoming Meetings

Recodification Public Workshop April 29.

Regular Planning Board meetings: May 10, May 24 and June 14.

There being no further discussion and upon motion made by Mr. Mastrogiacomo and seconded by Mr. Olney it was VOTED to adjourn the meeting. Adjourned at 8:00 p.m.

Submitted,

Approved by the Board on May 10, 2021

Helene Shaw-Kwasie  
Secretary

Mary Foley  
Clerk

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

Documents used at the meeting:

Minutes of April 12, 2021

Surf Release of Covenant

ANR 20 Magnolia Avenue

Request for Opinion 19-21 Forster Road