



MANCHESTER-BY-THE-SEA

PLANNING BOARD • TOWN HALL
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Minutes of the Planning Board

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

<https://us06web.zoom.us/j/89623836690?pwd=a0V1WWxOSnk2aG5CY2ZSeVRIN21ndz09>

Meeting ID: 896 2383 6690 Passcode: 423768 Dial in: 646 558 8656

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

MEMBERS NOT PRESENT: Sarah Creighton

SELECT BOARD MEMBERS: Becky Jaques

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

GUEST: KP Law, Jonathan Murry

- **Call to Order the Public Hearing**

Mr. Mastrogiacomo called the meeting to order and opened the Public Hearing on Proposed Zoning By-Law changes.

- **Board Review and Comment Zoning By-Law Changes**

Section 12 Administration

Adding a new Section 6.5- Site Plan Review

Ms. Ware stated that while updating and reviewing the Zoning By-Law with the Town Clerk in November 2022 and February 2023 omissions and cross references in the By-Law were found to be incorrect.

Ms. Ware specifically mentioned Section 6.5, Site Plan Review which was deleted from the By-Law in anticipation of passing Administrative Section 12.

Administrative Section 12 at ATM (Annual Town Meeting) at the Select Board's request due to language related to Associate Members was deleted. Section 12 will be on the STM (Special Town Meeting) Warrant on June 28, 2023 and the only change to the section is that all language related to Associate Members has been deleted.

If Section 12 does not pass on June 28, 2023 the second Warrant Article will reinstitute Section 6.5 Site Plan Review.

The third Warrant Article for STM will correct scrivener errors around renumbering sections of the Zoning By-Law which were changed but not corrected. Ms. Creighton, Ms. Ware, and Mr. Murray have gone through and made corrections to the Zoning By-Law.

Mr. Mastrogiacomo stated that he would like to first address scrivener errors. Ms. Ware deferred to Mr. Murray who had work to correct the scrivener errors. Ms. Mastrogiacomo asked Mr. Murray if the errors needed to be addressed one at a time or could they be addressed as a block. Mr. Murray replied that the scrivener errors could be addressed as one Warrant Article.

Ms. Foley stated that she had several questions. Following Ms. Foley's delineation of her proposed changes it was agreed by the Board that she would provide her changes in writing. Her proposed changes are included in the PDF's below.



Corrections to
Town Counsel Docu



Zoning Bylaws
Errors v.1.pdf

The Board also discussed at Ms. Delisio 's request sections 12.2.2 and 12.2.3 enforcement and penalties. Mr. Murray clarified that a Zoning Enforcement Order complaint is addressed in Court. If the Building Inspector issues a Citation for a Criminal ticket it is forwarded to District Court and generally after receipt of several tickets a criminal case is filed. Section 12.2.3 is a non-criminal matter and the fines can be increased to \$300 for each offence.

Upon further discussion the Board concluded that all tickets under Section 12, 2 be defined as criminal.

Mr. Olney moved to define 12.2 as a criminal disposition; Ms. Tenny seconded the motion. The motion passed unanimously.

Ms. Foley had additional questions regarding Sections 6.3.3 and suggested changes to 12.6.4.1, 12.6.6, 12.6.2.1 the Board discussed the sections with Mr. Murray; there were no additional motions or changes to those Sections made during this meeting

- **Public Comment on Proposed Zoning By-Law Changes**

Mr. Gates, 2 Desmond Ave. – noted inconsistencies with references to the Building Inspector and By-Law in the submitted documents and asked for consistency in referencing both.

John Jay, Sea St. – Mr. Jay suggested that there would be changes around what the Board was proposing specifically to his neighborhood. Mr. Olney clarified that there were no proposed changes to the By-Law that did anything but clarify the intent of the By-Law.

Mr. Olney moved to continue the Public Hearing to June 12, 2023 at 7:45 p.m. Ms. Philbrick 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.
- **Adjourn**

Mr. Mastrogiacomo adjourned the meeting.