



Manchester-By-The-Sea

Minutes of the Planning Board Meeting
June 28, 2021 – 6:30 p.m. - Virtual

Zoom Meeting

<https://zoom.us/j/92319462030?pwd=TzArNlVzNTBkUIMvck0vQjg3YUJhZz09>

Meeting ID: 923 1946 2030

Passcode: 854378

One tap mobile +13017158592,,92319462030# US (Washington DC)

Dial by your location +1 646 558 8656 US (New York)

Present: Chairman Ron Mastrogiacomo, Members Sarah Hammond Creighton, Christine Delisio, Mary Foley, Gary Gilbert, Gary Russell, Chris Olney

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

Acknowledge receipt of correspondence

None.

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

None.

0 & 1 Flatley Avenue, ANR

Property owners Leslie J. Schoenherr of #0 Flatley Avenue and Patricia K. Mitchell of #1 Flatley Avenue appeared Virtually before the Board representing themselves with an application for ANR to transfer 126 sf identified as Parcel A from #1 Flatley Avenue shown on the Plan as Lot 2 to #0 Flatley Avenue shown on the Plan as Lot 1. Parcel A is to be combined with land of Schoenherr to form Lot 1 containing 5,061 sf. Lot 2 is left with 11,097 sf and conforms to current zoning requirements.

After a brief discussion, and upon motion made by Mr. Gilbert and seconded by Mrs. Creighton, it was VOTED by roll call vote with Members Mastrogiacomo, Creighton, Delisio, Foley, Gilbert, Russell and Olney voting in favor, to endorse as ANR #821 the Plan entitled “Plan of Land #0 & #1 Flatley Avenue Manchester-by-the-Sea, MA property of Leslie J. Schoenherr & Patricia K. Mitchell, Trustee Patricia K. Mitchell Trust” Scale 1” = 10’, dated April 28, 2021, prepared by Donohoe Survey, Inc.

19 Forster Road Informal discussion to include reference to the driveway plan submitted to the Planning Board on April 22, 2021 (Lake)

Atty. Philip Lane appeared virtually before the Board to request an amendment to the Opinion of the Planning Board under Section 5.1 of the Zoning Bylaw filed with the Town Clerk on May 6, 2021 relative to 19 Forster Road to include reference to the updated plan entitled “Common Driveway Easement Plan” dated April 22, 2021 prepared by Mill River Consulting.

After a brief discussion, and upon motion made by Mr. Gilbert and seconded by Mrs. Creighton, it was VOTED by roll call vote with Members Mastrogiacomo, Creighton, Delisio, Foley, Gilbert, Russell and Olney voting in favor, to amend the Opinion of the Planning Board under Section 5.1 of the Zoning Bylaw filed with the Town Clerk on May 6, 2021 relative to 19 Forster Road to include reference to the updated plan entitled “Common Driveway Easement Plan” dated April 22, 2021 prepared by Mill River Consulting.

Preliminary Discussion on proposed by-law change on access (Cross)

Manchester resident, Mr. William Cross, 31 Smith’s Point Road, appeared virtually to discuss a citizen proposed amendment to the Zoning By-law submitted electronically relative to requiring a second access road for certain projects, as follows:

ARTICLE __. To see if the Town will vote to amend Article 6.2 (Off-Street Parking and Driveway/Curb Cut Regulations) of the Zoning By-laws by adding a new Sub-Section 6.2.9, as follows:

Safe Access to Large Developments. Notwithstanding any other provision, construction of any housing project in the Town larger than either i) one hundred (100) units or ii) 75,000 square feet is prohibited unless such a project includes both a paved primary access road and a secondary access road (paved or unpaved), each of which shall be open at all times for ingress and egress. Two access roads are necessary to protect the safety and health of the residents of the project and the Town.

Members discussed the citizen proposed by-law and had the following comments and questions: put it on the list of zoning amendments the Board is considering, why just residential and not include commercial also; not convinced it should be on the list; it is simply unnecessary; this would be twice the environmental impact; what kind of safety is the amendment talking about; willing to listen; Board needs more information; it appears reactionary.

Selectwoman Jaques asked where the wording and numbers came from.

Resident Dennison Hall, 20 Masconomo, spoke in favor.

Members will discuss and vet this proposed amendment at a later date.

Update on LCD (MAPC) Overlay District Study (if any)

Mrs. Foley requested that the three scenarios discussed by the Board at earlier meetings include commercial development, and she requested a time line and that the owner of the MAC return in front of the Board.

Town Planner Brown responded that this is an iterative process, the number of units are not hard and fast. She said it is not fair or productive to require the owner of the MAC to keep coming back without further input from the Board as to what they are requesting; his concept is independent of the three scenarios the Board discussed.

Recodification Road Map Committee (public outreach on zoning changes)
Bobrowski Contract

Town Planner Brown reported that Atty. Bobrowski would like to move to an hourly rate. The original scope of his contract was six meetings and four drafts and we are now at 20 meetings and draft 8. The Town voted to allocate \$50,000 and the contract was for \$40,000, leaving \$10,000 to use for Mr. Bobrowski's hourly rate.

Mr. Olney and Mrs. Creighton addressed the Board on the draft report they had prepared on Steps to Implement Zoning Changes. Members discussed types of proposed modifications to the current zoning regulations, and the steps the Board needs to take to decide on what changes to bring to the Fall Town Meeting and to prepare for Fall Town Meeting.

Members Mastrogiacono and Olney, and Town Planner Brown will meet with Moderator Wilson and Atty. Bobrowski with a list of Articles for the Warrant. Members will submit any additional Articles for the Warrant.

The Board anticipates it will hold two forums, submit newspaper articles to the Cricket and to the Quarterly Newsletter that the Town puts out.

Preliminary discussion of administrative change regarding electronic delivery (Brown/Kwasie)

The Town is in the process of having all applications submitted electronically. The State regulations (G.L. c. 41 Section O) require that the Town allow hard copies to be delivered by hand or registered mail. Town Counsel recommends that the Board formally amend the Subdivision Rules & Regulations to allow for "e filing" but not eliminate entirely the option to file by hand or by mail. To amend the Subdivision Rules & Regulations, the Board must hold a public hearing, vote on the changes, revise the Subdivision Rules & Regulations, and submit a certified copy of the revised Rules & Regulations to the Registry of Deeds in Salem and the Land Court in Boston.

Upon motion made by Mr. Olney and seconded by Ms. Creighton, it was Voted by roll call vote with Members Mastrogiacono, Creighton, Delisio, Foley, Gilbert, Russell and Olney voting in favor to require electronic filing and allow paper copies to be filed as well.

Loren Coons Letter

Mr. Mastrogiacono submitted a copy of the Board's letter to Loren Coons which he will send out as written.

Approval of Regular Meeting Minutes: June 14, 2021

Upon motion made by Ms. Creighton and seconded by Mrs. Foley, it was VOTED by roll call vote with Members Mastrogiacono, Creighton, Delisio, Foley, Gilbert, and Olney voting in favor and Mr. Russell abstaining to approve the minutes of June 14, 2021.

Subcommittee and Liaison Updates

Mr. Olney reported that there is a public form on June 29 to discuss the public housing units at Manchester Housing Authority sites and possible housing development at the DPW yard.

Other Matters, as may not have been reasonably anticipated by the chair

Mr. Mastrogiacomo reported that he had received a letter of resignation from Mr. Russell. Board members expressed their highest regard for Mr. Russell’s valuable contribution to the Planning Board, saying that he is a pragmatic visionary who also served on the Conservation Commission and the Master Plan Committee before coming to the Planning Board, that he has been a great asset to the Board and the Board will miss his wise counsel, and that he will be missed.

The BoS will announce at their July 6 meeting that there is an opening and will begin to take applications. The Board will be meeting with the BoS on July 19 to vet the applications. The new member will join the Board in August.

Mr. Mastrogiacomo reported that the Board will meet once in August. Upon motion made by Mr. Olney and seconded by Ms. Creighton, it was VOTED by roll call vote with Members Mastrogiacomo, Creighton, Delisio, Foley, Gilbert, and Olney voting in favor to meet on August 23. Mr. Mastrogiacomo asked the Board to think about starting the meetings earlier than 6:30 p.m..

Upcoming Meetings:

July 12, 2021 6:30 p.m.

July 26, 2021 6:30 p.m.

August 23, 2021 Starting time to be determined.

There being no further discussion and upon motion made by Mr. Gilbert and seconded by Ms. Creighton, it was VOTED to adjourn the meeting. Adjourned at 8:10 p.m.

Submitted,

Approved by the Board on July 12, 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

Revised Opinion 19&21 Forster Road
ANR 0 and 1 Flatley Avenue
June 14, 2021 Minutes
Draft Plan of Steps to Implement Zoning Changes