



OFFICE OF THE
PLANNING BOARD

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

Minutes of Planning Board Meeting
August 5, 2019 – Town Hall

Present: Chairman Ron Mastrogiacomo, Members Loren Coons, Christine Delisio, Andrea Fish, Christopher Olney, Gary Russell
Absent: Mary Foley

Chairman Mastrogiacomo called the meeting to order at 7:00 p.m.

Confirm or Re-appoint Officers, Representatives and Liaisons to other Boards and Committees

Members elected officers and liaisons for the term ending with the spring election, as follows:

Upon motion made by Mrs. Delisio and seconded by Mr. Coons, it was VOTED to elect Mr. Mastrogiacomo Chairman.

Upon motion made by Ms. Fish and seconded by Mr. Coons, it was VOTED to elect Mrs. Delisio Vice Chairman.

Upon motion made by Mrs. Delisio and seconded by Mr. Coons, it was VOTED to elect Mrs. Foley Clerk.

Upon motion made by Ms. Fish and seconded by Mr. Coons, it was VOTED to elect Mr. Olney Representative to the Manchester Housing Trust.

Upon motion made by Mrs. Delisio and seconded by Ms. Fish, it was VOTED to elect Mr. Coons Liaison to the DPW.

Upon motion made by Ms. Fish and seconded by Mr. Coons, it was VOTED to elect Mrs. Foley Liaison to the Historic Commission/Historic District Commission.

Upon motion made by Ms. Fish and seconded by Mr. Coons, it was VOTED to elect Mr. Russell Liaison to Chapter 91 matters.

Upon motion made by Mr. Coons and seconded by Mrs. Delisio, it was VOTED to elect Ms. Fish Liaison to the ZBA.

Upon motion made by Mrs. Delisio and seconded by Mr. Coons, it was VOTED to elect Mr. Russell Liaison to the Conservation Commission.

Upon motion made by Mrs. Delisio and seconded by Mr. Coons, it was VOTED to elect Mr. Mastrogiacomo Liaison to the Board of Selectmen.

It was noted that Mrs. Delisio is Representative to the MAPC.

84 Old Essex Road, Driveway/Curb Cut, Griffin

Engineer Robert Griffin of Griffin Engineering Group, LLC appeared before the Board representing Michael J. Panzero of MJP Properties Trustee of 84 Old Essex Road Revocable Trust in his application for a Driveway/Curb Cut at 84 Old Essex Road.

A site walk was held on August 3, 2019. Members Coons, Delisio, Mastrogiacomo and Olney attended.

There were no changes to the plan. The lawn to the left front is 7 ft. Regarding imprinting “no Parking” on the plan, Mr. Russell advised against doing that. After discussion, it was the consensus of the majority of the Board to write “Required Turn Around” on the driveway on the Plan.

Regarding why a turnaround is needed, Ms. Fish said the turnaround is needed so that the cars can leave the property facing forward.

After a brief discussion, and upon motion made by Mr. Coons and seconded by Ms. Fish, it was VOTED to approve the application of Michael J. Panzero of MJP Properties, Trustee of 84 Old Essex Road Revocable Trust for a Driveway/Curb Cut at 84 Old Essex Road as shown on the plan entitled “84 Old Essex Revocable Trust, 84 Old Essex Rd., Manchester, MA Permit Site Plan C-1” revised through June 5, 2019, scale 1” = 10’, with the notation “Required Turn Around” printed on the driveway on the Plan.

1-3 Kings Way, ANR, Nally

Members reviewed the ANR application submitted by Martin and Cheryl Nally to remove the lot line between Lot 2A and Lot 2B at #1 and #3 King’s Way and found that the application was not complete inasmuch as the plan submitted with the application does not provide the existing lot line between Lot 2A and Lot 2B.

After discussion, and upon motion made by Mrs. Delisio and seconded by Ms. Fish, it was VOTED to Deny Without Prejudice the application for ANR at #1 and #3 King’s Way as shown on the plan entitled “Plan of Land in Manchester-by-the-Sea, MA Property of Martin & Cheryl Nally” scale 1” = 40’, dated July 17, 2019, prepared by Donohoe Survey, Inc., for the following reason: The plan submitted with the application does not provide the existing lot line between Lot 2A and Lot 2B.

Mr. Nally will be sent a notice of denial and advised to submit a corrected plan.

Surf Village Conservation Restriction Update, Brown

Town Planner Brown reported that the applicant’s attorney had mistakenly sent the oldest draft that has none of the changes. Ms. Brown requested a revised document.

Set date(s) for public presentation/listening session for 40R Overlay District in the LCD, Russell

After a brief discussion, it was the consensus of the Board to meet at 7:00 p.m. on September 24, 2019 for the public presentation/listening session for 40R Overlay District in the LCD. Ms. Delisio will arrange for a meeting room in the high school. Mr. Russell will write an article for the paper.

Status of 96 Pleasant Street, Update on Infiltration System and Driveway, Fish

Mrs. Delisio opened the discussion by saying that if 96 Pleasant Street is being pumped out the water table has been disturbed, and it was more than an event. She said that it is an indication that that ground water is being tapped. She said if the Board cannot come to agreement, her opinion is that the Board needs to get a legal opinion.

Ms. Fish reiterated what she said at the July 22, 2019 meeting. She said that she had agreed to write to the Building Inspector regarding 96 Pleasant Street and 4.9.5.1(o) on behalf of the Board. She said she could not write the letter because the way she reads the regulation there is an exception which reads "...except for excavations for the construction of building foundations or the installation of utility works...." She said she did not write the letter because she was not able to write a persuasive letter when she reads the by-law to say that someone who is building a house is allowed to build his foundation or installation his utility works in the water table. She said it is not against the regulations and it is not something that requires a Special Permit. She said she read it to say that the by-law is trying to prevent surface runoff that carries pollutants from going directly into the water table.

Ms. Brown said the purpose of the by-law is to prevent contamination of the ground water.

Mrs. Delisio said it cannot be okay if we are going to drain our natural resources by pumping water into the street system, draining our drinking water. She asked how we can we prevent this in the future. She said she does not believe that new construction should be in the ground water table draining our water supply.

Mr. Mastrogiamo said ground water is of variable height. He said the water is being moved from one location into the system which goes out to the streams and gets infiltrated back into the aquifer. He said water pumps back into the system. It goes into a catch basin, into the drainage and into the streams.

Mr. Russell said we are not draining our drinking water. This is an unusual situation where there is a sump pump that started on day one. That does not happen with every construction project. The reason we have the overlay bylaw is to protect the ground water from contamination. If you look at the concept of the entire bylaw it is all about contamination, it is not about drying up the aquifer. It is not an issue. When it is an issue we have moratoriums on water use.

Ms. Fish said the water is being recycled; pumping is not good practice, but it does not contaminate the water.

Mr. Russell said it should be seen as an anomaly that this happened. This is not typical of new construction. It is not desirable or advisable for a home owner or a developer to have this issue. You cannot have a finished basement that is continually sumped. It becomes a mold issue. At issue here is that if this particular project were not allowed because of this bylaw then that would essentially be a building moratorium. You could not build anything in the overlay protection district. That is why there is an exception for foundations. This should be seen as an anomaly.

Regarding how to find out where the table is prior to construction, Ms. Brown said test pits are done prior to developing the land. The test pits provided data. Conditions can change and the conditions did change. When the conditions changed the applicant contacted the DPW. Ground water tables can change. It could have been that the test pit was done in the year of the drought and that was followed by the wet year.

Mr. Mastrogiacomo said it could have been a temporary change.

It was the consensus of the Board that discussion of this matter is finished and there would be no further discussion about it.

Town Planner Report, Brown

Town Planner Brown noted that she had responded to Mrs. Foley who had submitted questions about the WWTG application.

Regarding the housing issue, Ms. Brown said it is in the Master Plan, it was in the survey.

Mr. Russell said there only needs to be housing as a component. It does not say other things cannot be done. There will be money from the grant to tell what our problem is.

Re the DPW Site on Pleasant Street, Mass Housing Partnership is still trying to get from the Department of Development what their assumption was.

Regarding the Downtown Parking Study, Ms. Brown said she gave a brief scope to MAPC to respond that they want to do it.

Master Plan Edits and Final Approval, Brown

Ms. Brown noted that she had received edits from Mrs. Foley and she had incorporated them. Mmes. Delisio and Foley will meet with Ms. Brown again in the near future.

CPC Update, Mastrogiacomo

Mr. Mastrogiacomo reported that the CPC is meeting on August 15. He said the street light at Beach Street is still tilted and will be discussed.

Discussion of planning for Planning Board retreat, Foley

Mr. Russell will reach out to Mrs. Foley. He will find out when the Chowder House is available for the Retreat.

Update on Development Scheduling: Sewer Connection Limitation (6.11) Discussion, Delisio

To be continued to a future meeting.

Minutes

Upon motion made by Mr. Coons and seconded by Mrs. Delisio, it was VOTED to approve the minutes of July 22, 2019.

Updates, Reports, Administrative, Affordable Housing, New Business,

Mr. Olney reported that the Affordable Housing Trust has \$300,000. They put out an RFP and an article in the Cricket and will send out a notice to developers in the area.

There being no further business to come before the Board, and upon motion made by Mrs. Delisio and seconded by Mr. Russell, it was VOTED to adjourn. Adjourned at 8:55 p.m.

Submitted, Approved by the Board on September 19, 2019

Helene Shaw-Kwasie Mary Foley
Secretary Clerk

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

Documents used at this meeting
Town Planner Report
ANR Plan, 1-2 Kings Way
Minutes of July 22, 2019