



## MANCHESTER-BY-THE-SEA

PLANNING BOARD • TOWN HALL  
Manchester-by-the-Sea, Massachusetts 01944-1399  
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### MINUTES OF THE PLANNING BOARD

September 13, 2021, 6:30p.m. Virtual Meeting

Join Zoom Meeting, Meeting: ID 899 7353 1826 Passcode: 607663 Mobile: 1.646.558.8656

**MEMBERS PRESENT:** Ron Mastrogiacommo, Chair, Sarah Creighton, Christina Delisio, Mary Foley, Gary Gilbert, Chris Olney and Laura Tenny

**MEMBERS ABSENT:**

**STAFF PRESENT:** Town Administrator, Greg Federspiel, Town Planner, Sue Brown and Planning Board Clerks, Helene Shaw-Kwasie and Gail Hunter

**GUESTS:**

Mr. Mastrogiacommo called the Planning Board meeting to order with all members present and welcomed Ms. Tenny, a new Board Member and Ms. Hunter, new Planning Board Clerk to the Board.

- **Public Comment** – There was no public comment this evening.
- **Correspondence** – FEMA maps were in the Board's meeting packets along with additional correspondence related to ANR Applications.

- **Meeting Minutes** –

*Ms. Creighton moved to approve the meeting minutes of August 23, 2021, as amended; Ms. Delisio seconded the motion. The motion passed four members voting yes and three members abstaining (abstaining members were not present for the 8/23/21 meeting).*

- **Blasting Article Process** – Guidelines for blasting as described in, Article 13 – Mr. Federspiel

Following discussion, it was agreed that Ms. Delisio would meet with Chief Cleary to discuss specifics around Town regulations. Town regulations will exceed current State regulations specifically around environmental issues and chemical used in blasting materials.

- **Planning Board Retreats**

Mr. Mastrogiacommo stated retreats had been authorized by the BOS for Town Boards and Committees and asked Mr. Federspiel to inform the Planning Board about the proposed retreat. Mr. Federspiel indicated the BOS had accepted a pro bono offer from Susan Beckmann and Sylvia Vriesendorp two women with extensive experience in

assisting and facilitating Boards in improving their deliberative process and ultimately helping Boards to become more effective and productive.

Ms. Vriesendorp will interview each Board member to get a sense of the strengths and weaknesses of the Board and then hold a workshop to review what members expressed and measures to be taken to move forward.

Mr. Mastrogiacomo asked for Board comment. Ms. Foley stated her only comment was the Board still needed to hold a retreat to establish goals for FY22. Mr. Olney and Ms. Delisio agreed with Ms. Foley. Ms. Delisio suggested keeping the meetings separate, noting the Annual Planning should take place each year at the end of summer.

Mr. Mastrogiacomo will schedule two meetings. A Priority Goal Setting meeting for the end of October and the Board Process Review with Ms. Vriesendorp for the end of the year. Ms. Creighton asked if it would be possible to meet in person, there are members of the Board she has not met. Mr. Federspiel stated it is possible to meet in person and Zoom is not required.

- **10 Forest Lane, Driveway Curb Cut**

Mr. Mastrogiacomo introduced the request for a driveway curb cut at 10 Forest Lane, stating that he, Ms. Tenny and Ms. Creighton had reviewed the proposed curb cut and he had asked Mr. Dam, DPW Director to also review the request for a curb cut. Mr. Dam's review is in the meeting packet. Mr. Mastrogiacomo asked if there were any additional Board comments or questions. There were no additional comments or questions, Mr. Mastrogiacomo asked for a motion.

*Ms. Creighton moved to approve the curb cut at 10 Forest Lane as presented; Ms. Delisio seconded the motion. The motion passed unanimously by roll call vote.*

- **9 & 11 Eaglehead, ANR**

Mr. McCann representing Dr. Bradley stated the purpose of the ANR Plan is to change the Lot Line between 9 Eaglehead Road and 11 Eaglehead Road so that the current common driveway will be exclusive to 11 Eaglehead Road and so that each property will have its own driveway.

Current Status of each property:

9 Eaglehead Road has an existing single-family dwelling. The property is listed for sale. It is unknown whether a new owner will maintain the existing dwelling or build a new one. There is an existing septic system servicing 9 Eaglehead Road with a leach field located on 11 Eaglehead Road supported by an easement. That will be removed and the property at 9 Eaglehead Road has been perked in anticipation of the buyer of 9 Eaglehead Road installing a new septic system which will be completely located within the Lot. The new driveway will be located in the area marked "Proposed Driveway" with the final location to be determined by the buyer of the property.

Exhibits were visible on a shared screen with the Chair.

11 Eaglehead Road has an existing single-family dwelling that is occupied by Francis M. Bradley and Adrienne W. Bradley which will continue to be their home. There is a current driveway that services both 9 and 11 Eaglehead Road. While this was acceptable while both properties have been owned by family members, as 9 Eaglehead Road is being sold the Bradley's desire to have their own separate driveway. As above, the leach field for 9 Eaglehead Road located on 11 Eaglehead Road will not be used and a new septic system will be located on the 9 Eaglehead Road property.

The property is located in District E. The property at 9 Eaglehead Road meets the area and frontage requirements. The property at 11 Eaglehead Road meets the area requirements but lacks frontage. With the exchange of parcels, there will be: No change in the resulting square footage of each lot, 9 Eaglehead Road will continue to fully conform, 11 Eaglehead Road while lacking the current required Lot frontage of 150 feet, the Lot is being made more conforming as the Lot Frontage is being increased from 8 feet to 36 feet.

The Lots were created in 1954 and 1956 and at the time fully conformed to the Dimensional Regulations. They were created by two separate plans recorded in the Registry of Deeds. Exhibits A through D are on file with the Planning Board and detail ANR requirements.

Mr. Gilbert asked for clarification around the application suggesting the Board needed to provide better direction for ANR applications. Mr. McCann stated the application is for two legal lots and the request is for a lot line adjustment. Mr. McCann apologized to the Board for the late specifications around the application he had returned from vacation earlier in the day and had compiled and forwarded a two-page memorandum for the Board. Dr. Bradley stated he had complied with what had been asked for in the ANR application.

Mr. Gilbert stated the Board could vote to endorse with some modifications to Hancock Associates plans. Specifically, the plans need to include labeling of the dwellings, changes to property lines and providing a table of specifications on the mylar.

*Mr. Gilbert moved to endorse ANR 823 plan of land in Manchester-by-the-Sea at 9 and 11 Eaglehead Road prepared by Hancock Associates on August 5, 2021 (to be revised) with a scale of 1 inch to 30 feet; Ms. Creighton seconded the motion. The motion passed unanimously by roll call vote.*

Mr. McCann or Dr. Bradley will deliver the revised plan and necessary forms to Mr. Mastrogiacomo.

- **Request Approval for Town Counsel to Draft By-Law on Appointed Board**

Ms. Creighton indicated this was fine with her. Ms. Foley stated she was not clear why the Planning Board was involved with a General By-Law change. Mr. Federspiel stated the change originated as a request from the Planning Board to draft a more specific Article to put on the Fall Town Meeting Warrant and the BOS is requesting more detail.

Ms. Delisio stated she listened to the BOS planning meeting and believes details discussed are not being relayed. She understood the BOS wanted details around issues

like would the Planning Board be disassembled and how the transition would work. Ms. Delisio believes the Board is not receiving information.

Mr. Federspiel stated he had spoken with Mr. Wilson, Town Moderator, who concurred that Town Counsel should review the law and legislative language for the Warrant. Ms. Delisio reiterated that was not what she understood the BOS had stated. She believes the BOS asked for the shift to an appointed board to be sent back to the Planning Board for additional information around how this was going to be unveiled. Mr. Mastrogiacomo indicated the BOS is looking for language on the By-Law change and something specific to rule on. Ms. Foley suggested this be added as an agenda item for the next Planning Board meeting.

Ms. Creighton stated as a matter for debate and consideration she would be happy to forward this to the voters. Ms. Creighton also noted this change has been done by many towns and the BOS uses Town Counsel and her wisdom in drafting By-Laws to facilitate the By-Law process through the legislative process. Ms. Tenny agreed with Ms. Creighton noting this is a good next step. Ms. Foley stated of the 351 communities with Planning Boards there are only 35 with BOS Appointed Boards.

*Ms. Creighton moved to request the BOS formally request Town Counsel draft the By-Law change for an Appointed Board and that the request include the Minutes on the Planning Boards discussion around Appointed Boards. Mr. Gilbert seconded the motion. The motion passed with Ms. Creighton, Mr. Gilbert, Mr. Olney, Ms. Tenny and Mr. Mastrogiacomo voting yes and Ms. Delisio and Ms. Foley voting no.*

Mr. Gilbert asked for confirmation that the specific law the Planning Board drafted had been read by the BOS.

- **Parking Study – Ms. Delisio**

Ms. Delisio indicated parking studies have been under consideration by the Town for at least four years. The Town has submitted for grant funding but grant funding has not been awarded. Mr. Mastrogiacomo asked which areas of Town are being considered for the parking study. Ms. Delisio stated the downtown area was defined in the scope of the proposed studies. Ms. Brown had outlined the scope and provided a map of the downtown area in December 2019. The information and proposals are on the Town website under grants. Ms. Delisio would like to meet with Planning Board members from Essex and Hamilton who have successfully completed Parking Studies to understand who completed their studies, costs of the studies and outcomes of the studies.

Ms. Creighton suggested taking this up closer to budget time. Prior to that she would like to review the scope and understand the role of the Downtown Improvement Project Committee (DIP) and Complete Streets and pull in that information to define how their efforts are related to Planning Board. Ms. Delisio stated she was looking for approval to gather information. There was a parking study completed by the Police Department 10-years ago and the Town needs to look at creative solutions for solving parking challenges efficiently.

Commented [SB1]: While Ms Foley claimed this – the information is not accurate. Should this be revised to read that Ms Foley “claimed” or “stated”??

Mr. Olney stated he was good with Ms. Delisio discussing this with other Towns and doing that in coordination with DIP is a good plan. Ms. Tenny stated a parking study is a priority in context with Complete Streets. Ms. Brown agrees a parking study is important for a number of reasons and the Town has not been successful in securing grant funds for the study and believes funding should be requested in the new budget. Mr. Mastrogiacomo gave Ms. Delisio approval to move forward with contacting other Towns.

- **Recodification Road Map**

Ms. Creighton introduced the proposed Articles the Board subcommittee is preparing for Fall Town Meeting.

- Simple renumbering/formatting of the existing By-Laws with no changes in content – at Annual Town Meeting in April the Board will go back and propose other changes
- Create a use table summarizing what is allowed in each zoning district by right or by special permit and amend language in sections 1-4.
- A third possible article would propose to rewrite the procedures section.
- A fourth article would propose to delete various sections that are out of date, illegal as written or proposed to be placed in the General By-Laws.

Additionally, there are two Citizen Petition Articles on the Warrant for zoning changes.

This was a working session for the Board with discussion primarily focused on the Use Table, edits and formatting. The subcommittee will continue working on the Warrant Articles with board members reviewing the proposals as they are available on Share/Point.

Mr. Gilbert recommended all proposals move onto Mr. Bobrowski for review.

Mr. Mastrogiacomo directed Ms. Brown to move ahead with preparing new maps to address the proposed zoning changes.

- **Planning Board Organization**

*Ms. Delisio moved to approve the appointment of Mr. Mastrogiacomo as Chair of the Planning Board; Mr. Olney seconded the motion.*

*Mr. Gilbert moved to approve the appointment of Ms. Creighton as Vice Chair of the Planning Board; Ms. Delisio seconded the motion.*

Ms. Foley respectfully declined to act as Clerk of the Planning Board.

*Mr. Mastrogiacomo moved to approve the appointment of Mr. Gilbert as Clerk of the Planning Board; Mr. Olney seconded the motion.*

*Mr. Mastrogiacomo moved to approve the appointments as a slate. The appointments for Chair, Vice Chair and Clerk passed unanimously by roll call vote.*

- **Subcommittee and Liaison Appointments**

Ms. Creighton has expressed interest in being the liaison with DPW, MERSD and the MERSD School Committee. Ms. Delisio will liaison with Chebacco Woods Land Management Committee and Ms. Tenny will be the liaison with the Costal Stream Team, Sustainability Committee and the Conservation Commission.

Ms. Delisio is interested in the Water Resource Committee which has been proposed to be reconstituted as a Subcommittee of the Conservation Commission. Final decision on which Board member will be the Conservation Commission liaison will wait on Town Meeting vote on the Water Resource Committee.

Mr. Mastrogiacomo suggested reviewing the role and participation of Planning Board liaisons at the upcoming retreat.

- **Planners Report and Vote & Guidance re: Overlay District Study**

Discussion on Town Planner's agenda items were tabled to the meeting on September 27, 2021.

- **Other matters as may not have been reasonably anticipated by the Chair.**

One additional matter addressed by the Chair was starting time of meetings. Ms. Tenny expressed interest in starting later while Mr. Gilbert is interested in starting meetings earlier. Mr. Mastrogiacomo concluded the meetings would continue to begin at 6:30 p.m.

- **Adjourn**

*Ms. Creighton moved to adjourn the meeting; Ms. Delisio seconded the motion. The motion passed unanimously by roll call vote.*

**Meeting Materials:**

Curb Cut Information, 10 Forest Lane  
ANR, materials 9 and 11 Eaglehead  
Recodification Road Map  
Town Planner's Report

**Scheduled Meetings:**

Monday, September 27, 2021  
Monday, October 4, 2021 (with the BOS?)  
Tuesday, October 12, 2021  
Monday, October 25, 2021

As the Planning Board Clerk, it is my understanding of Open Meeting Law that Meeting Minutes are final and posted when approved by vote of the Board. No additional action is required. This is being confirmed with Town Counsel.