



# MANCHESTER-BY-THE-SEA

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PLANNING BOARD • TOWN HALL  
Manchester-by-the-Sea, Massachusetts 01944-1399  
Telephone (978) 526-6405 FAX (978) 526-2001

## MINUTES OF THE PLANNING BOARD

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September 27, 2021, 6:30p.m. Virtual Meeting

Join Zoom Meeting, Meeting: ID 893 7292 4906 Passcode: 263880 Mobile: 1.646.558.8656

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

**MEMBERS ABSENT:**

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

**GUESTS:**

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Mr. Mastrogiacomo called the Planning Board meeting to order with all members present and informed listeners the meeting was being recorded.

- **Public Comment** – There was no public comment this evening.
- **Correspondence** – There was no correspondence to report this evening.
- **Meeting Minutes** – Meeting minutes for September 13, 2021, will be considered during the October 12, 2021, meeting.

Subcommittee Meeting minutes for September 20, 2021, and September 21, 2021.

*Ms. Creighton moved to approve the subcommittee meeting minutes of September 20, 2021, as written, Mr. Gilbert seconded the motion. The motion passed with Ms. Creighton, Mr. Gilbert, Mr. Olney and Ms. Delisio voting yes and Ms. Foley abstaining.*

*Ms. Creighton moved to approve the subcommittee meeting minutes of September 21, 2021, as amended, Mr. Olney seconded the motion. The motion passed with Ms. Creighton, Mr. Olney, Ms. Tenny and Ms. Delisio voting yes and Ms. Foley abstaining.*

- **ANR Applications** – 4 Kings Way

Mt. Paul Stump stated he purchased the property next to 8 Kings Way which is land away from his house closer to Summer Street and has agreed to transfer the land to current owners of 8 Kings Way to add useful yard space at 8 Kings Way as the south side of their lot drops off quite rapidly and this will improve the approach. The owners

of 8 Kings have worked to improve and sustain the view for 4 Kings Way over Black Beach and beyond.

Mr. Gilbert stated he had spoken with the surveyor regarding the lot line adjustment and has concluded these are two legal lots and recommends the Board endorse the exchange, neither of the lots are non-compliant.

*Ms. Creighton moved to endorse ANR 843 plan of land in Manchester-by-the-Sea at 4 Kings Way prepared by Sullivan Engineering Group, LLC on September 14, 2021, with a scale of 1 inch to 40 feet; Mr. Olney seconded the motion. The motion passed unanimously by roll call vote.*

- **ANR Application for 9 and 11 Eaglehead**

The mylar and maps for Town records have been signed. Dr. Bradley agreed to drop the signed maps at Town Hall. The process has been completed.

- **Public Hearing – 9 Tucks Point Road**

Mr. Mastrogiacomo addressed the procedural process of a Public Hearing for the Board and Public introduced and opened the Public Hearings.

The Public Hearing this evening is for the Special Permit application under Zoning By-Laws 7.5.1 and 4.1.(j) for a float and pier at 9 Tucks Point Road. Mr. Young of Lucas Environmental, LLC is representing Mr. Kaneb.

The float and pier are seasonal and have been in place since 2019. In order to assure the ongoing approval of the float and pier Mr. Young is applying for a Chapter 91 Permit. Ms. Brown, Town Planner, informed Mr. Young as part of the filing process with MEPA he would need to file under the Planning Board for a Special Permit and move to complete the Chapter 91 Permit process. Mr. Young indicated a Certificate of Compliance had been approved by the Conservation Commission.

The site plan for the float and pier were attached to the application. Mr. Young was unable to open the file containing images of the float and pier and will forward for the Board's review. The float is a 24' x 12' float attached to a 50' long ramp the extends from a concrete pad at the shoreline. The structure is installed in the spring and removed in extreme weather conditions as directed by the Harbormaster and at the end of the boating season. The float is primarily used for paddle boards and kayaks and occasionally at high tide for Mr. Kaneb's 22-foot motorboat. The float and pier are accessible from the house. The structure was approved by the Conservation Commission.

Ms. Creighton confirmed the project has a Certificate of Compliance from the Conservation Commission; Mr. Young indicated it did. Ms. Tenny asked if the revegetation plan had been closed out to the satisfaction of the Conservation Commission. Mr. Young stated it had been. Ms. Foley noted the Board did not have a current letter from the Harbormaster and asked if the 1080 had been updated. Mr. Young stated the 1080 is current through 2022.

Ms. Creighton asked about safety during a storm and who pulled the pier out at the Harbormaster's direction. Mr. Young stated his client has a contract with the Town around float and ramp removal and storage. If weather conditions warrant removal of the float and ramp that is taken care of under the Harbormaster's direction.

Ms. Harrison a neighbor stated she supports the application.

*Ms. Creighton moved to continue the Public Hearing on the float and pier at 9 Tucks Point to October 12, 2021, at 6:45 p.m. with the applicants approval; Mr. Olney seconded the motion. The motion passed unanimously by roll call vote.*

The Board requested clarification around the reason for the continuance. Mr. Mastrogiacomo stated the Board requires time to review the Decision which has not been written and timing constraints around the process precipitate the continuance.

- **Public Hearing** – Cornerstone Church

Request for Special Permit and Site Plan approval under Sections 6.9 and 7.5 of the Zoning By-Law. Mr. Drake representative of Cornerstone Church with Mr. Robinson, Civil Engineer and Mr. Quinn, Senior Project Manager, Allen & Major Associates Inc. presenting on behalf of the Church.

An image of the proposed site was projected on Board member's screens. Mr. Drake noted parking was anticipated at 60 cars with proposed overflow parking for a total of 98 parking spaces. Mr. Drake indicated the Church is a low impact development with water, gas, electricity and landscaping meeting all requirements. Additionally, the Church has submitted a traffic analysis indicating the sight lines were certified and acceptable. Mr. Drake also indicated test pits on site indicated the water table was low enough and a small rain garden had been added to the project.

The Board's comments and discussion this evening focused on:

- Accessibility for pedestrians, bicycles and strollers
- Handicap accessibility at front of the building
- Development appears too auto focused
- Suggestion that "green areas" be expanded
- Building match, the look and feel of the Town (currently appears too suburban)
- Recognition the Church had acted on previous suggestions
- Push front of building back
- Ring road
- Reiterated the Town's energy requirements
- Concern around traffic exiting onto Mill Street
- Size of building doubles current structure (includes sanctuary and fellowship hall)

Public Comment: Mr. Delaney, 10 Ancient County Way – Mr. Delaney expressed concern around the proposed access road to Mill Street.

Ms. Creighton proposed a site walk. Ms. Tenny suggested efficiencies around the footprint of the building to limit grading while supporting growth. Mr. Alden stated

after visiting other churches it was recommended the Church plan for parking to address special events.

Mr. Mastrogiacomo requested the hearing be continued and a site walk with the Board, Church representative and developer be scheduled. Mr. Aldon agreed, suggesting a Saturday morning for the site walk.

*Mr. Olney moved to continue the Public Hearing for Cornerstone Church to November 8, 2021, at 7:00 p.m. Mr. Alden agreed, Mr. Gilbert seconded the motion. The motion passed unanimously by roll call vote.*

- **Discuss and Vote on Guidance Regarding LCD Overlay District**

Ms. Brown requested Board approval for moving forward with completion of the LCD Overlay District Study. She proposes following the completion of Phase I and partial completion of Phase II that MAPC complete the Draft Zoning and Design Guidelines for a balanced growth and development scenario as outlined in its July 2021 Summary of Zoning Options Scenarios, with the option of allowing 400K square feet of research and development by Special Permit in lieu of other commercial uses.

Further Ms. Brown recommends, to address the concern that the LCD would advance housing, but not economic goals that the balance of uses be regulated based on MAPC's research on best practices. Ms. Brown offered the Board examples of how development could be regulated and recommends asking MAPC to identify best practices for assuring the opportunity for a mix of uses and a requirement that commercial uses proceed and exceed residential uses.

*Mr. Gilbert moved to support Ms. Brown's proposal for a balanced growth approach, Mr. Olney seconded the motion. The motion passed following Board discussion with Ms. Tenny, Ms. Creighton, Mr. Olney, Mr. Gilbert and Mr. Mastrogiacomo voting yes and Ms. Foley and Ms. Delisio voting no.*

- **Recodification**

- Continued Review of Warrant Articles for Town Meeting

The subcommittee met with Mr. Wilson, Town Moderator regarding November 13, 2021, Fall Town Meeting. Mr. Wilson requested the Board keep the meeting brief by presenting only simple changes with a focus on renumbering. Mr. Wilson believes that Sections 1-4 are not simple and presenting and discussing the Use Table opens uses to amendment and discussion.

The subcommittee has questions for Town Counsel. Can the Planning Board renumber without a Town Meeting vote? Mr. Wilson believes this requires a vote at Town Meeting. Additional outstanding questions focus and renumbering and its potential impact on ZBA applications.

- Vote on deleted items

The board has agreed to delete sections 6.6, 6.8, 6.10 and 6.20. According to Mr. Bobrowski 6.11 is not a valid zoning regulation. The Board agreed not to decide on the section 6.11 or to vote on deleted items this evening.

- Vote on items within each Article

No vote was taken this evening. The Board decided to hold another subcommittee meeting on Thursday, September 29, 2021, at 4:30 p.m.

- **Town Planner’s Report** – Report was tabled to the next Board meeting.
- **Subcommittee and Liaison Reports** – There were no significant areas for discussion this evening.
- **Other matters as may not have been reasonably anticipated by the Chair.** There were no other matters discussed this evening.
- **Adjourn**

*Mr. Olney moved to adjourn the meeting; Ms. Foley seconded the motion. The motion passed unanimously by acclamation.*

**Meeting Materials:**

ANR, materials 9 and 11 Eaglehead and 4 Kings Way  
Recodification Power Point  
Town Planner’s Report  
Meeting Minutes for September 13, 2021

**Scheduled Meetings:**

Tuesday, October 12, 2021  
Monday, October 25, 2021  
Monday, November 8, 2021  
Saturday, November 13, 2021 (Fall Town Meeting)  
Monday, November 22, 2021