



MANCHESTER-BY-THE-SEA

PLANNING BOARD • TOWN HALL
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MINUTES OF THE PLANNING BOARD

June 27, 2022 6:30 p.m. Virtual Meeting

Join Zoom Meeting, Meeting: ID 849 5482 9342 Passcode: 791243 Mobile: 1.646.558.8656

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

MEMBERS NOT PRESENT: Gary Gilbert

SELECT BOARD MEMBERS: Becky Jaques and Ann Harrison

STAFF PRESENT: Town Planner, Sue Brown, and Administrative Assistant, Gail Hunter, Fire Chief Cleary

GUESTS: Town Moderator, Alan Wilson

Mr. Mastrogiacomo called the Planning Board meeting to order at 6:30. Mr. Mastrogiacomo informed listeners the meeting was being recorded.

- **Public Comment**

Mr. Goudreau. Cell Signaling Technology (CST), wanted to thank the Board for their support and updated the Board on the progress being made regarding site plans. CST is in the process of selecting a design team and expects to make that decision in early fall with plans to return to the Planning Board in the first quarter of 2023. Ms. Creighton informed Mr. Goudreau that the Board has opened a Public Hearing on proposed zoning changes including Sections 6 and 12 Site (Plan Review) with changes that are more prescriptive and in line with good planning measures. She suggested Mr. Goudreau review the changes that are anticipated to be addressed and hopefully passed during a Fall Town Meeting.

- **Correspondence** – The Board acknowledged receipt of correspondence from:

Ms. Sheila Hill

Ms. Lorraine Iovanni

Mr. Scott Susko

Mr. Gary Russel

Mr. Thomas Colbert

- **ANR 1 Spy Rock Hill**

Ms. Creighton moved to accept the withdrawal of the application without prejudice; Mr. Olney seconded the motion. The motion passed unanimously by roll call vote. 6 in favor and 0 opposed

- **Continue Deliberation of Public Hearing 5/17/2022 on Draft By-Law Changes**

Ms. Creighton noted the following:

- Website is in the process of being updated
- It has been suggested that the Board include a chart of changes
- Schedule a meeting with ZBA regarding ADUs and other concerns
- Do not need to hold a Public Hearing if within 6 months of the previous Public Hearing, however, the Board may decide to hold a Public Hearing
- Place additional articles in the *Cricket* to clarify information for the Public.

Ms. Creighton moved to continue the deliberation portion of the Public Hearing on Draft By-Law changes to September 12, 2022; Mr. Olney seconded the motion. The motion passed unanimously by roll call vote. 6 in favor and 0 opposed.

Ms. Foley requested the Board spend the time between now and the Fall Town Meeting collecting data, meeting with ZBA and communicating with residents. She also asked that all track changes be saved from document to document. Ms. Creighton stated the only changes made outside of an open meeting were edits suggested by Mr. Wilson and there is a hard copy of those edits in the Planning Board mailbox area. Ms. Foley requested the edits voted on by the Board during the May 23, 2022 meeting. Ms. Creighton reiterated the changes were input into the document.

Ms. Mellish stated there is a proposed change in the By-Law that is a non-starter for ZBA. Specifically, it is a change in non-conformity that has always been a Special Permit and the change is now proposed to be a Variance. The non-conformity needs to be a Special Permit. Ms. Mellish will forward the information she has on this issue to support the ZBAs position.

Ms. Delisio stated she thought the Board was planning to hold workshops for residents and could the Board get those workshops on the schedule. Ms. Creighton agreed workshops may be better than articles in the *Cricket* and suggested scheduling workshops during the August meeting. Ms. Tenny suggested the date of Fall Town Meeting would be best if held in November to give more time for workshops. She also suggested Town Planner develop a communication piece including a table with an explanation as to why the changes were proposed. She hoped that tool could be developed and supported by ZBA.

- **Zoning Impact Study Incorporation Vote**



Zoning Impact Study.pdf

Mr. Olney's Zoning Impact Study is in the above PDF.

Mr. Olney stated the Study was developed following the Board's discussions around proposed changes and the impact on residential development. Specifically, if there would be a greater amount of development "by right" compared to the current process. He concluded there will be no significant changes in "by right" development.

However, there are three ways residential development can be increased by Special Permit:

- Senior Housing
- Cluster Zoning
- ADU

The Board acknowledged and thanked Mr. Olney for his work. Mr. Mastrogiacomo stated that moving forward the Study will be on Share/Point for review, comments, and edits by the Board and reviewed at a later meeting.

The Board further discussed how to effectively communicate the information and will continue to discuss during future meetings.

- **Blasting Guidelines Vote (Including Input from Mr. Orlando and Chief Cleary)**



Blasting
Guidelines.pdf

The above PDF contains the final and approved Blasting Guidelines as discussed and approved by the Planning Board during this meeting.

Mr. Olney moved to accept the blasting guidelines dependent on geologists recommendation and the number of hours extended to cover applications received on Friday to be held for review during the next business day; Ms. Delisio seconded the motion. The motion passed 5-1.

- **Planning Board Statement to ZBA regarding 40B**

Ms. Mellish stated she had received an email from a Planning Board member indicating that the Planning Board had not been requested to provide input to the ZBA. Ms. Mellish stated this is not a normal process for the Town and the ZBA has been working on the project since October 2021 and has received information from several Boards, Committees and Town Departments.

Additionally, the ZBA has received information from several Peer Reviewers regarding egress, architectural design, drainage and more. The ZBA will be happy to accept information from the Planning Board and that information needs to be received by July 27, 2022.

Mr. Mastrogiacomo stated the Planning Board had provided the Select Board information during the LIP process and the Planning Board could develop that into a letter for ZBA. He added that ZBA has received expert advice from Peer Reviewers

which is what the Planning Board would have done if the 40B was a Planning Board process.

Ms. Delisio and Ms. Foley agreed that the LIP letter could be revised and forwarded to ZBA. Mr. Mastrogiacomo will post the letter to Share/Point for the Board to review and comment on. Ms. Mellish stated the Board cannot accept a letter from the LIP process and a new letter would be required for the 40B Public Hearing. Ms. Mellish restated the deadline is July 27.

- **Update on LCD Overlay District**

Ms. Brown stated she, Ms. Foley, and Mr. Olney met with MAPC regarding the LCD Overlay District Study adding different requirements exist for areas that are already disturbed vs. preserved. There will be changes to the draft regulations and she hopes to have something for the Board to review soon.

Ms. Mellish pointed out that the challenge the Town has with the SLV developer is that the parcel in question for the 40B project is environmentally sensitive and she believes that the parcel on Pipeline Rd. is similarly environmentally sensitive, and that parcel needs to be reconsidered for if it should be part of the LCD or a preserved area. Ms. Mellish stated Town voted to include the 40B parcel in the LCD, but she is not sure if it was clear as to the ramifications of that vote.

- **Town Planner's Report**



PB update June 27
2022.pdf

Mr. Mastrogiacomo requested a Parking Study update. Ms. Brown stated Ms. Creighton had requested that Ms. Brown put the Parking Study process into a written framework which she has done and will attempt to keep updated going forward. Volunteers have been trained, data collection in May is completed and occupancy for the day studied was 30% to 40%.

The study will next focus on a sunny Saturday in July. Ms. Brown asked for volunteers from the Planning Board to participate. Ms. Delisio and Ms. Tenny are available on July 16th or July 30th.

Ms. Brown's Town Planner's report is contained in the above PDF. She noted that grants are out for both Downtown Recovery and Off-Season Events. The Halloran Trust property was purchased by abutters and is no longer available to the Town. Additionally, the State approved the Open Space Recreation Plan, Ms. Brown is waiting for the final documents which are approved for 7 years and with that approval the Town is eligible for Funding around approved plans.

Ms. Delisio asked if the State had approved the Master Plan. Ms. Brown responded no but the State does not approve Master Plans they are approved and adopted by Planning Boards.

- **Fall Town Meeting Date**

The Board discussed and the consensus of the Board for Fall Town Meeting would be October 24, 2022.

- **Hybrid Meetings**

Mr. Mastrogiacomo is planning for the first meeting back in Town Hall to be the meeting of July 25th. He added, he needs additional training. Ms. Jaques assured him 1623 Studios is there to support the meetings and the Chair of the Board.

- **Approval of Meeting Minutes**

Mr. Mastrogiacomo noted there were no minutes posted in the meeting packet on Share/Point and this is an ongoing issue.

- Ms. Delisio suggested putting up transcripts of the meetings and suggested someone from Town Hall look into that.
- Ms. Brown and Ms. Creighton have the meeting minutes through April and can post the meeting minutes as drafts.
- Ms. Creighton has a table of motions from April 23rd and that can go in as minutes for April 23, 2022.
- Ms. Creighton also suggested putting the draft minutes into the meeting folder for the next meeting, use track changes and allow time for the Board to review.
- Mr. Mastrogiacomo asked if all the approved minutes have been posted. Ms. Brown replied she has the minutes from Share/Point, but she is not clear if the minutes on Share/Point are the final approved minutes.

Following additional discussion, the Board will review the minutes through April for content and accuracy and approve to place on the Town website.

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

Mr. Mastrogiacomo stated he believed the Chebacco Road project may need to restart due to the expiration of the Order of Consent. Ms. Delisio stated she believed the Town and State re-voted the project and the project was approved. Mr. Mastrogiacomo asked Mr. Gang if that was the case and Mr. Gang confirmed that Ms. Delisio was correct. Mr. Gang added he believes abutters will appeal the decision to DEP under the Wetlands Protection Act.

Ms. Foley has asked that the Master Plan maps be submitted. That discussion will be added to the next agenda.

Ms. Creighton stated she had three things to address:

1. Print copy of the final motions voted is at Town Hall in the Planning Board mail area. (this had been previously mentioned)
2. Propose the Planning Board think about and define the highest priorities for the coming year and allocate the Board's time accordingly. She would also like to align the Board priorities with the priorities of the Town Planner.

3. Sea Street and Spy Rock Hill – Ms. Creighton understands the Building Inspector is the Town’s enforcement agent. There appears to be a challenge around the topography of the area as it was presented to the Board at 2 feet in height. Additionally, she noted to require a Special Permit for the removal of ledge is in conflict with the purpose of the By-Law for a Curb Cut.

Ms. Foley agreed with Ms. Creighton’s concern and hopes the enforcement agent could be preemptive in these situations. Ms. Foley added this is like Walker Road – when the first bulldozer comes in a Cease-and-Desist Order is issued.

Ms. Foley also agrees with the need for a goal setting session.

Mr. Mastrogiacomo stated he had written to the Building Inspector re: the ANR plan and has been in contact with Town Counsel who participate in the meeting when the application is presented.

Ms. Delisio pointed out a builder can get a permit without applying for a curb cut and cited the new home at 1 Windemere Park.

Ms. Tenny suggested any retreat should be scheduled post Fall Town Meeting indicating she did not have the bandwidth to prepare for both. With the consensus of the Board Ms. Creighton will speak with the Building Inspector about the Board’s concerns.

- **Meeting Schedule**

- July 11, 2022

- July 25, 2022

- August 8, 2022

- **Adjourn**

Mr. Olney moved to adjourn the meeting; Ms. Tenny seconded the motion. The motion passed unanimously by roll call vote.

These minutes were approved by the Planning Board on July 27, 2022