



# MANCHESTER-BY-THE-SEA

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

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July 11, 2022 6:30 p.m. Virtual Meeting

Join Zoom Meeting, Meeting: ID 861 9484 9724 Passcode:790346 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

**GUESTS:**

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

- **Public Comment**

Steve Colbert, 9 Sea Street – Mr. Colbert stated he had forwarded letters to the Building Inspector and the Town Administrator regarding work taking place at 1 Spy Rock Hill. Mr. Colbert believes the Town has too many levers to pull for approving projects and the property across the street from him is being stripped of trees and undergrowth and looks stark. He believes steps have been skipped in the approval process and a lot of work is being done in the set back.

Mr. Mastrogiacomo informed Mr. Colbert that the ANR application for 1 Spy Rock Hill had been Withdrawn Without Prejudice. The Planning Board had agreed to speak to the Building Inspector during the June 27<sup>th</sup> meeting; however, it was determined that the owner at 1 Spy Rock Hill is not making changes that require a Special Permit.

- **Correspondence** – The Board acknowledged receipt of correspondence from:  
Ms. Lorraine Iovanni  
Mr. Randolph  
DEP Chapter 91 Waterways Application

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

Further deliberations on By-Law changes has been continued to September 2022.

- **Vote on Elements of Impact Study and Discussion of “The Table”**



Impact Study  
Table.pdf

The above PDF is the proposed impact study table. The Board discussed and made the following comments, observations, and recommendations on the proposed scale for the table and on the table.

- Add criteria for administrative clarity.
- Table should be less subjective.
- Add data to support recommended changes.
- Create an impact study subcommittee.
- Cannot predict impacts but can work backwards, for instance we know school capacity and water, and sewer capacities.
- Assume growth is inherent, however, the only addition to units are ADUs and Senior Housing.
- No simple metrics or data analysis evaluates projected growth.
- Impact of doing nothing is SLV, the Town lacks Affordable Housing.
- Single family zoning impacts and exacerbates the Affordable Housing problem.
- Most changes are administrative with no significant impacts.
- Residents want a table.
- How does the Board present its good work to the residents?
- The recodification started out as administrative corrections to comply with case law and eliminate redundancies in the Town By-Laws.
- Suggestion was made to take out some of the changes that are outside of the initial goal and address individually at subsequent Town Meetings.
- Change the language – define risks and opportunities
- One element residents are asking about is the change from special permit to by right – add criteria or a case study to demonstrate the change.

Ms. Creighton thanked those who commented and agreed that perhaps it is a good idea to separate the administrative changes from other changes including Senior Housing, Residential Clusters, ADUs and Non-Conforming Uses. Although the Board has voted to present all the changes at Fall Town Meeting the Board wants to be successful and Ms. Creighton would like to recommend which items go forward at Fall Town Meeting. She added some of the important changes like moving Storm Water to the General By-Laws were delayed by residents focusing on the more controversial issues.

Ms. Delisio suggested the Town offer a grace period for ADUs not listed in Town Hall to encourage compliance. Suggesting this as a first step to bring ADUs into compliance prior to opening up “by right” ADUs. Ms. Delisio asked if there were comments on her suggestion.

Mr. Olney commented that it might be possible, but the problem is the current ADU standards are totally dysfunctional, they require the house to be built before 1984 and be on a lot twice the size allowed in the District. He went on to state the Select Board wants the Planning Board to implement the Master Plan and Zoning By-Law changes that were proposed in the Master Plan. The Board either wants to do that work or it does

not and if the Board does not want to implement the Master Plan, we are not a Planning Board.

Mr. Mastrogiacomo asked how the Board would find non-compliant ADUs. Ms. Delisio stated other Towns have achieved this by offering amnesty for a period of time from six months to a year. The Board would need to define criteria, discuss, and take the process slowly.

Ms. Creighton responded to Mr. Olney stating that she wants to get this accomplished, however, Special Town Meetings attract a smaller number of residents who can work by getting a higher number of residents at Special Town Meetings to support their positions. She would like the Board to think strategically about how to get the Zoning By-Law changes completed. She specifically added that ADUs require more work. Ms. Creighton would like the Board to be positioned to look strong and for the Board to have unanimous support for the proposed changes.

Ms. Foley stated the Master Plan is a guide and she believes the Board can pause on some things without going against the Master Plan.

Ms. Tenny respectfully and strongly disagrees with the statement that we should be pausing some of the proposed Zoning By-Law changes because they are too radical a change. None of this is a radical change as the changes are well within the bandwidth of what municipalities around us are doing to update, clarify, and strengthen their Zoning By-Laws. That is what the Planning Board is doing by strengthening, updating, and increasing environmental protections with performance-based zoning. The Master Plan is written, it is a guide but does not define the road map, however, the Board needs to use the Master Plan.

Ms. Tenny concluded by stating she is a strong advocate for finishing the Town's Zoning By-Law changes restating none of it is crazy or radical. This is the daily bread and butter of zoning regulations, and she would like the Board to finish this by working together.

Ms. Brown stated she agreed with the statement that the Board needs to change the language around the proposed changes and supports defining the risks and opportunities. She cautioned that without creating more diversity in housing, the Town will continue to be at risk from Developers like SLV. She believes the community will remain at risk without making the proposed changes.

Mr. Russel added that the Board may want to evaluate the risks of bringing everything up at a Special Town Meeting and suggested separating pieces into separate votes. He noted there is a legitimate concern when the Board presents to a smaller voting public.

Mr. Russel stated democracy can be messy and flawed and the noise in the community is likely impacting the proposed changes because the changes are confused with the 40B project. He believes the misinformation, opinions, and emotional reactions are getting mixed up with the work that the Board has been engaged with for several years.

Ms. Jaques stated the reason the Select Board would like the Planning Board to bring forward the Master Plan is for the Planning Board to be aware of the unintended

consequences and to work collaboratively to not be caught in another situation like the 40B project.

Ms. Delisio suggested the Board step back and listen to each other. Ms. Tenny stated she appreciates Ms. Delisio's comment about working together. She is committed to doing that with honesty and integrity.

Ms. Creighton suggested that Ms. Foley and Ms. Delisio work with the Assessor to define the number of ADUs in Town. Ms. Foley stated she has the records from the Assessor's office stating that all ADUs are grouped in as two-family houses or multi units. There is no defined way to track the ADU information.

Ms. Brown stated the fact is the Town needs more diverse housing and whether there are 20 or 200 ADUs does not impact the Town's need for additional diversity in housing.

- **Planning Board Letter to ZBA Regarding 40B**



Planning Board 40B  
Ltr to ZBA.pdf

The Board discussed edits to the above letter.

- **Discussion of Master Plan**

Mr. Mastrogiacomo stated he had invited Ms. Beckman and Mr. Russel Co-Chairs of the Master Plan Committee to be here this evening.

Ms. Foley stated she believes the discussion would be in violation of the Open Meeting Law given the agenda item was not posted in the required 48 hours ahead of the meeting. Mr. Mastrogiacomo stated he had spoken to Mr. Federspiel about the posting and Mr. Federspiel stated since there would be no vote the discussion could proceed. Ms. Foley disagreed and stated she is tempted to file a violation of Open Meeting Law.

Ms. Creighton stated the Board could use more time to prepare for the discussion related to the Master Plan. She added much of the work completed as part of the recodification process relates to recommendations in the Master Plan. The Board has invested time and resources and needs additional time to coordinate that work with the Master Plan.

Ms. Jaques stated there is no rush to meet with the Planning Board around the Master Plan and she does not want the Board to be in violation of Open Meeting Law.

Mr. Russel stated he would be happy to participate in the next meeting and believes the discussion of the Master Plan will be timely prior to Fall Town Meeting and agreed much of the work the Planning Board engages in is supported by the Master Plan.

Ms. Delisio stated topics like the Master Plan need to be discussed in a Planning Board retreat which she believes needs to occur soon. Ms. Tenny stated she participated in the

Master Plan process as a resident and would appreciate Mr. Russel and Ms. Beckman's discussion on the priorities for the Planning Board as outlined in the Master Plan.

Mr. Mastrogiamomo concluded he will reschedule the discussion with Master Plan Co-Chairs for a later meeting.

- **Approval of Attorney Bobrowski Invoice**

*Ms. Creighton moved to approve the invoice from Attorney Bobrowski, Mr. Olney seconded the motion the motion passed by roll call vote with Mr. Mastrogiamomo, Ms. Creighton, Ms. Tenny, Mr. Olney, and Ms. Delisio voting affirmatively. Mr. Foley voted no. The motion passed 5-1.*

- **Approval of Meeting Minutes**

The Board discussed recommended edits for meeting minutes presented by the Town Planner.

*Ms. Creighton moved to approve the minutes as amended, Mr. Olney seconded the motion. Ms. Tenny, Mr. Olney, Ms. Creighton, Ms. Delisio, and Mr. Mastrogiamomo voted affirmatively to approve the meeting minutes. Ms. Foley abstained. Motion passed 5-1.*

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

- **Meeting Schedule**

August 22, 2022

September 12, 2022

September 26, 2022

October 10<sup>th</sup> is a Holiday – discuss alternate date

October 24, 2022

- **Adjourn**

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