



OFFICE OF THE  
PLANNING BOARD

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

Minutes of Planning Board Meeting  
January 13, 2020 – Town Hall

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

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

Minutes

Upon motion made by Mr. Coons and seconded by Mr. Russell it was voted to approve the minutes November 18, 2019.

Upon motion made by Mr. Coons and seconded by Mr. Russell it was voted to approve the minutes and December 9, 2019.

15 Proctor Street, Driveway/Curb Cut, Bullock

Mr. Coons recused himself.

Atty. Orestes Brown appeared before the Board representing Mr. and Mrs. Anthony Bullock in their application for Driveway/Curb Cut at 15 Proctor Street.

Mr. Mastrogiacomo acknowledged receipt of a letter from DPW Director Charles Dam in which Mr. Dam wrote:

“On December 9, 2019, DPW personnel went to the above referenced property to observe existing draining conditions of the public way as well as the two existing driveway openings. At approximately 11 am, with a consistent rain, all runoff was contained within the property. The existing elevation of the street is higher than the driveway itself and no adverse impacts to the Town right of way were observed.”

Mr. Brown said the driveway will be pea stone. There are no drainage structures as water will flow down from the street onto the property and soak into the permeable surface. The width of the driveway is 18.5 ft. (not shown on the plan). The driveway has already been completed.

Upon motion made by Mr. Russell and seconded by Mr. Olney, it was VOTED to approve the Driveway/Curb Cut as shown on the plan entitled Proposed & Existing Driveway Plan for 15 Proctor Street, Manchester, Massachusetts Property of Anthony & Kendra Bullock, Assessor’s

Map 16, Lot 44, Date: November 28, 2018, Scale: 1" = 20', Plan Date: October 8, 2019, prepared by EPS Associates, LLC Hamilton, MA With the condition that the final plan is annotated so that it shows that it is both proposed and existing.

Mr. Coons returned to the table.

15 Ashland Avenue, Crocker's Boat Yard, Public Hearing on the application for a Special Permit under Sections 7.5 and 4.1.10(j) of the Zoning By-Law to install & reconfigure floating docks & to modify the existing marina reconfiguration zone at their facility located in Manchester Harbor. Mr. Mastrogiamo opened the Public Hearing on the application of Crocker's Boat Yard for a Special Permit under Sections 7.5 and 4.1.10(j) of the Zoning By-Law to install & reconfigure floating docks & to modify the existing marina reconfiguration zone at their facility located in Manchester Harbor

He reported that as required by Section 7.8, the application was referred to the Department of Public Works, Conservation Commission, Board of Health, Selectmen, Harbor Master, Chief of Police and Fire Chief.

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Department of Public Works responded that they have reviewed on behalf of DPW and do not have any comments at this time. If at any point they decide they want to install a boat pump out facility, they would have comments on what would be required to discharge to the Town's sewer system.

Conservation Commission submitted an Order of Conditions.

Board of Health responded that they have no comment regarding the application of Crocker's Boat Yard, 15 Ashland Avenue for a special permit under Sections 7.5 and 4.1.10(j) of the Zoning By-Law.

Town Administrator responded that the Selectmen briefly discussed the proposed expansion of Crocker's floats. They feel the project is consistent with the desire to have a vibrant and full-service harbor.

Harbor Master responded that he has advised the applicant that no moorings can be negatively impacted, nor navigation in and out of the cove. He does not see any problem with either of those issues at this time. If a mooring is impacted it will be one of the Applicant's and the Applicant understands that to be the case.

Fire Chief responded that the fire department is requesting the placement of four multi-purpose dry chemical extinguishers. That would be two extinguishers at each dock base. Boat fires usually gain rapid headway due to the presence of flammable fuels such as gasoline, and when combined with the fiberglass of the boat and furnishings, make for an explosive situation. The faster extinguishing agents can be applied the better the outcome would be.

Police Chief responded that all the plans submitted with this application pose no public safety concerns for the Police Department

After a brief discussion, it was the consensus of the majority of the Board that a Site Walk was not needed.

Ms. Susan St. Pierre of Susan St. Pierre Consulting Services, Salem, MA. appeared before the Board representing the Applicant and noted that the Special Permit Application requests authorization for proposed modifications to the existing dock facility at Crocker's Boat Yard (CBY) which is owned by Mr. S. Sturgis Crocker, V.

Mr. Crocker, through his representative, Ms. St. Pierre, provided the following information:

**Description of Land Affected:** Crocker's Boat Yard is a commercial boat yard (landside acreage) located adjacent to Manchester Harbor in Manchester, MA. The facility is comprised of two yards; an upper yard located off Bridge Street and a lower (0.53 acre) yard located along Manchester Harbor at 15 Ashland Avenue. The property is located in the FEMA 100 year flood zone. The property includes a floating dock system in Manchester Harbor that includes docks totaling 3,000 square feet providing berthing for up to 25 vessels, depending upon length. Eight to ten of the berths are used as yard service slips and the remainder are rental slips. The docks include four, six feet wide floats extending perpendicular from the shoreline ranging in length from 72 to 92 feet connected by six feet wide floats of varying lengths. The westerly-most perpendicular float contains four 30 foot long finger floats. There is also a 24 foot long work float located next to the travel lift.

**Proposed Dock Expansion and Reconfiguration:** The proposed expansion and reconfiguration will create a more efficient layout providing approximately 5,540 square feet of floating docks (net increase of 2,540 square feet). A total of 33 piles will support the floating dock system which is a net increase of 17 piles over the existing condition. The expansion and reconfiguration will provide berthing for up to 16 additional vessels (depending on size). All the docks will be pile supported with 12 inch diameter pipe piles driven to Refusal. The project will reconfigure the existing float system into a more efficient layout and add a 160 feet long by 6 feet wide float with nine (9) 4 feet wide finger floats (six 40 feet long, two 30 feet long and one 25 feet long) and a terminal float (two 40 feet long by 6 feet wide) in the westerly portion of the marina. The proposed layout maintains the existing distance between the easterly finger floats and the adjacent Manchester Marine dry dock at 34 feet. The proposed reconfigured float system will provide a total of approximately 1,068 linear feet/5,540 square feet of floating docks (net increase of 568 linear feet/2,540 square feet) supported by a total of 33-12 inch diameter pipe piles (a net increase of 17 piles over the existing condition). The expansion and reconfiguration will provide berthing for up to 16 additional vessels, depending on length of vessels, of which eight to ten will continue to be used as yard service slips.

**Reconfiguration Zone:** The project plans delineate a float reconfiguration zone pursuant to the state Chapter 91 regulations at 310 CMR 9.39 (1)(b) that allows floats to be re-arranged within the zone without additional licensing provided a written request with plans are submitted to the Department and Harbormaster.

In her application Ms. St. Pierre submitted the following Findings with respect to Section 7.5.2

(a) through (g).

No special permit shall be granted unless the special permit granting authority determines that the proposed use will not be detrimental to the surrounding neighborhood in light of each of the following factors:

*(a) Adequacy of the site in terms of size for the proposed use;*

Manchester Harbor was recently dredged to -8 feet with a one-foot overdraft and has sufficient depth and navigational access to accommodate the proposed use. The project does not interfere with abutting properties navigational access to Manchester Harbor.

*(b) Suitability of the site for the proposed use;*

The project involves floating docks which will be located in Manchester Harbor, a suitable site for the proposed use. The site currently contains floating docks that accommodate up to 25 vessels and the expansion will increase the capacity for up to 16 additional vessels. There is adequate maneuvering room in this portion of the harbor to support the increased vessel usage. As noted in paragraph “a” above, the harbor was recently dredged to -8 feet with a one-foot overdraft and has sufficient depth and navigational access to accommodate the proposed use.

*(c) Impact on traffic flow and safety;*

The project is not anticipated to adversely impact land based traffic flow and safety. Users of the floating docks will be able to park at the landside of the boat yard which is accessed via Bridge Street to Ashland Avenue. As noted in paragraph “b” above there is adequate navigation access to and from Manchester Harbor from the project and abutting properties.

*(d) Impact on neighborhood visual character, including views and vistas;*

The project will increase the number of vessels in the Harbor but will not create adverse visual impacts as this is a traditional harbor use. During winter months, the floats will remain but will be at sea level. During the summer, vessels will occupy the floats but marine vessels already transit the area proposed for expansion during the boating season.

*(e) Adequacy of method of sewage disposal, source of water and drainage;*

There is adequate sewage pump out capacity in Manchester Harbor and nearby harbors to service the float expansion. The boat yard is serviced with adequate public water support. The floating docks do not generate stormwater runoff and thus no impact to drainage will result.

*(f) Adequacy of utilities and other public services;*

See response to paragraph “e” above.

*(g) Impact on public or private water supplies, wildlife habitats and other natural resource issues deemed appropriate by the special permit granting authority.*

The project will have no impact on private water supplies and minimal impact on public water supplies resulting from vessel owner usage of water supplied by Crocker’s Boat Yard. The site does not contain any state designated rare species/wildlife habitats. The area along the shoreline is mapped by the state as Shellfish Habitat. Four piles totaling 4 square feet are located in this shellfish mapped area. 13 piles totaling 14 square feet will be placed below mean low water in

the Harbor Bottom but will not create an adverse impact on marine resources. The floating docks will occupy Manchester Harbor but will not create adverse impacts on wildlife habitat.

There being no further testimony, and upon motion made by Mr. Olney and seconded by Mr. Russell, it was VOTED to close the Public Hearing.

Upon motion made by Mr. Olney and seconded by Mr. Russell, it was VOTED by a vote of five (5) (Coons, Foley, Mastrogiacomo, Olney, Russell) in favor, one (1) abstaining (Delisio), and one (1) absent (Fish), to adopt the Findings above and to approve the Application of Crocker's Boat Yard for Special Permit Decision of the Planning Board Under Sections 7.5 and 4.1.10 to install and reconfigure floating docks and to modify the existing marina reconfiguration, 15 Ashland Avenue, Manchester Harbor, Assessor's Map 21, Lot 25, General Zoning District as shown on the plan entitled "Crocker's Boat Yard Marina Reconfiguration" 15 Ashland Avenue, Manchester-by-the-Sea, MA 2019 Revisions, Sheets 1 through 4, Scale Varies, dated November 4, 2019 revised through January 8, 2020, prepared by Collins Engineers, Inc., subject to the following conditions:

1. Applicant shall obtain, and comply with, any requisite Conservation Commission authorization.
2. A copy of this Decision shall be attached to Exhibit H of Applicant's Chapter 91 Waterways License Application.
3. There will be no "live-aboards" allowed.

Surf Village, update on the Conservation Restriction Process and request for amendment to the Special Permit Decision to allow release of additional unit(s), Atty. Orestes Brown

Atty. Orestes Brown appeared before the Board representing Surf Village in their request to release Units 3, 4 and 7 and reserve only Unit 8 (which is in Manchester) until the Conservation Restriction is approved by both the State and local Conservation Commission. He said the CR is currently pending before the Manchester Conservation Commission and before the Department of Conservation and Recreation at the State level. He said that if DCR has revisions he will need to get them to the Conservation Commission.

After discussion and upon motion made by Mr. Russell and seconded by Mr. Coons, it was VOTED to approve the release of the Town of Manchester Building and Occupancy Permits for Units 3, 4 and 7 of the Surf Village Condominium pursuant to the conditions of the Special Permit dated October 31, 2017, the Applicant having substantially complied with the special permit conditions thereunder. Only Unit 8 will be held back until such time as the State DCR and the Manchester Conservation Commission have completed final review of the Conservation Restriction.

33 and 35 Coolidge Point Road, ANR

Engineer Jack Sullivan of Sullivan Engineering Group appeared before the Board representing Jeff & Cindy Burbank in their application for ANR to combine #33 and #35 Coolidge Point Road into one lot. He said the house on 35 Coolidge Point will be demolished.

Upon motion made by Mr. Coons and seconded by Mr. Russell, it was VOTED to endorse as ANR #812 the plan entitled 33-35 Coolidge Point Road, Plan of Land located in Manchester-by-the-Sea, MA prepared for Jeff & Cindy Burbank, scale 1" = 20' dated January 4, 2020 prepared by Sullivan Engineering Group.

Mr. Sullivan asked for a revision to the Driveway/Curb Cut he had been granted in September 2019. He said that the house on 35 Coolidge Point will be demolished and an accessory structure will be constructed. The driveway on the site will remain the same but the curb cut will slide 17 ft. northwesterly. The drainage is onto the property

Upon motion made by Mr. Coons and seconded by Mr. Russell, it was granted to conditionally approval the shifting of the curb cut on 33-35 Coolidge Point Road subject to the receipt of the document showing the exact location of the driveway.

40R Smart Growth planning process, discussion and vote on whether to move forward with planning a 40R Smart Growth District within the LCD, north of 128

Mr. Russell said this is the beginning step of the planning process for a zoning overlay. It would not change existing zoning. The discussion and proposed vote would describe the boundaries of where this district would make the most sense. Guidelines would include open space restrictions, conservation issues, character, and site issues. If affordable housing is included in a project then the Town would get subsidy payments from the state.

Mr. Gary Gilbert, 11 Magnolia Avenue, said it is his opinion that it is not in the best interest of the town if it is residential project. Regarding infrastructure, he suggested examples for independent treatment plants.

Mr. Russell said the overlay must include housing as a primary benefit. He said there would be guidance from Department of Housing and Community Development. It will be a public process. He said different infrastructure options will not be known until the type of development is determined. He said there are separate processes; the overlay district and then the projects. He said we do not need a developer to participate. A developer would be a proactive participant.

Town Planner Brown said the Master Plan identified a number of uses that would be appropriate in the Limited Commercial District. She said that it is common for a developer to contribute to the building of the infrastructure system.

Mr. Mastrogiamaco said they would have to engineer a way to get infrastructure to the Limited Commercial District.

Mrs. Susan Beckmann said a lot of questions are answered as the Town goes through the process. She said that if there is one area that is suitable, it does not exclude other areas.

Mr. George Davis, Ocean Street, suggested considering the 40R in various areas through the town.

Mr. Russell said as it looks now it could only be a provisional approval but once a developer comes in with a plan, it should not be an issue. Housing would be guided by different guidelines such as Housing Authority Guidelines. He said the best way to get a sense of agreement is to perform studies.

Mr. Olney suggested starting with parking.

Mr. Andrew Henckerson of the MAC said Mr. Semioli supports the 40-R. Mr. Russell said Laura Tenny wrote in support, Jeffrey Gavene wrote in support.

Upon motion made by Mr. Russell and seconded by Mr. Olney, it was VOTED that the Planning Board move forward with 40-R Smart Growth and that the next step would be to ask the Department of Housing and Community Development for assistance in the process.

#### Parking Study Scope, Brown

Town Planner Brown said she wrote a scope for a Parking Study and received comments from Mr. Mastrogiacomo and Mrs. Foley. The only scope request she received was to do the entire town. She does not have data that supports that there is a parking problem town-wide. A downtown study would be the best use of our funds. Parking problems come from the summer and the beach. Neighborhood problems cannot be solved with general parking strategy. She suggested that the Board do a downtown parking study to address parking issues in downtown. Start before the summer season and have it continue during the season as well.

Ms. Brown said it is important to have the study done by a professional if the discussion is to be based on 200 new units.

Mr. Olney said it is important to find out what is the perception of the cause of the problem.

Mrs. Foley said she wants parking at beaches and parks included. She wants a comprehensive study that includes cars with placards and seasonal parking. She said we should have a clear picture of our overall parking.

Mr. John Carlson, 9 Walker Road, former Chairman of the Pike & Ped Committee, said there is no signage alerting people where there is public parking. A number of residents park in the visitor parking spots behind Town Hall and at Masconomo Park.

Mr. Russell said some spaces are for visitors and some are for residents. That would come out of the study.

Ms. Brown said MAPC is the consultant who would help when they have time available. There is a place holder with MAPC to do the study using non-Town funds. Mr. Mastrogiacomo said he would like them to consult with the former Parking Committee and to use existing data as well.

Mr. Olney said there are two reasons for the study: the problems and the solutions.

Mr. Russell said development should not be tied to whether existing residents can go to the beach. He said that when we embark on 40-R, we will get money for a traffic study.

Upon motion made by Mr. Russell and seconded by Mr. Olney it was VOTED to move forward with parking study that will be provided by MAPC as described by Ms. Brown for a period of at least two seasons and to get information from the previous study.

#### Citizens Housing Group meeting discussion

Mr. Olney reported that there is a citizens group in Town interested in residential zoning and they are planning to create their own lobbying at Town Meeting.

#### Discussion – Meeting w/BOS on Retreat Talking Points

Members proposed the following matters for discussion with the Board of Selectmen at their meeting on February 3:

- Recodification
- Formalized process for Communication and Governance
- 40-R
- Master Plan Implementation

#### Correspondence

Mr. John Carlson, 9 Walker Road, submitted a petition from 40 citizens regarding 10 Old Wenham Way. He said the group felt that the Board should not have approved the ANR Perimeter Plan for 10 Old Wenham Way because it was not stamped by an engineer. Mr. Mastrogiacomo suggested that the group take it up with Counsel.

#### Master Plan Updates

Ms. Brown will edit the Master Plan.

#### CPC Report

Mr. Mastrogiacomo submitted a spreadsheet of provisionally approved CPC moneys for distribution.

#### Recodification Meeting

Ms. Brown reported that at the request of Mr. Bobrowski, the next meeting will be moved to a different date.

#### Correspondence re Surety bond

Ms. Brown reported that there had been a change of ownership of the telecommunications tower at 17 Ashland Avenue. Correspondence received included a notice of cancellation, a release, and notice that there was a new bond from the new owner. Mr. Olney recommended that Ms. Brown speak with Town Counsel.

#### Report to the Town Report, review and approve



Mr. Mastrogiacomo assigned the Planning Board's Report to the Town Report to Ms. Brown to edit and finalize.

Minutes

Upon motion made by Mr. Russell and seconded by Mr. Olney, it was VOTED to approve the minutes of November 18, 2019 as amended.

Upon motion made by Mr. Mastrogiacomo and seconded by Mrs. Foley, it was VOTED to approve the minutes of December 9, 2019 as amended.

There being no further business to come before the Board, and upon motion made by Mr. Russell and seconded by Mr. Olney, it was VOTED to adjourn. Adjourned at 9:50 p.m.

Submitted, Approved by the Board on April 13, 2020

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 the meeting: 15 Proctor Street Driveway Plan; 33-35 ANR Plan and application; CPC spreadsheet; letter from 10 Old Wenham Way abutters and others; 17 Ashland Avenue decision