



OFFICE OF THE
PLANNING BOARD

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

Minutes of Planning Board Meeting
January 27, 2020 – Town Hall

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

Chairman Mastrogiacomo called the meeting to order at 7:00 p.m. He announced that the meeting is being recorded by Jon Kwasiel for use by the Secretary in preparation of the minutes.

15 Ashland Avenue, Crocker's Boat Yard, 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. Mastrogiacomo reported that the Board voted to approve the application on January 13, 2020 and the applicant agreed to grant the Board an extension to February 13, 2020 extension to file the Decision with the Town Clerk. The applicant's consultant submitted a written request. Upon motion made by Mr. Coons and seconded by Mr. Olney it was VOTED to confirm the agreement extending the deadline to file the Decision from January 23, 2020 to February 13, 2020.

The Board discussed corrections (the removal of items that never existed in the first place) in the Decision which had been discovered after the fact. Upon motion made by Mr. Olney and seconded by Mr. Coons it was VOTED by the five members eligible to vote to approve the Decision as corrected. Corrections will be made and the Decision will be signed by the Board and filed with the Town Clerk.

33/35 Coolidge Point Road, Minor Modification of Driveway, Sullivan Engineering

Mr. Mastrogiacomo reported that at the January 13, 2020 meeting the Board voted to approve the minor modification to the driveway/curb cut approved September 23, 2019 by the Board based on Engineer. Sullivan's agreement to return to the Board with an appropriate plan.

Mr. Jack Sullivan of Sullivan Engineering Group appeared before the Board with the revised driveway/curb cut plan. The two lots on the plan were joined by ANR #812 on January 13, 2020. An accessory building will replace the dwelling on Lot 33 and the plan will accommodate the required set backs. The driveway will be moved 15 ft. to accommodate the building. Upon motion made by Mrs. Delisio and seconded by Ms. Fish It was VOTED to approve the plan for driveway/curb cut at 33-35 Coolidge Point Road as revised on January 21, 2020 prepared for Jeff and Cindy Burbank by Sullivan Engineering Group, LLC. Members signed the plan.

Discussion of Upcoming Meeting with the Board of Selectmen, Mastrogiacomo

Mr. Mastrogiacomo reported that the meeting will be held on February 3, 2020. The Board has said they would like to discuss Governance, Communication, 40-R and Recodification. Mr. Russell to lead the discussion on Governance.

Mrs. Delisio would like more information on processes and would like a guide for new members which she was told a year ago was in the process of being prepared.

Members discussed requesting more time for the Building Inspector to work in Manchester. Mrs. Delisio said that with the Town Hall being closed on Friday there is no one for citizens to contact.

Mr. Russell said there needs to be an Organization chart of what should happen right now and who is responsible for what. The Board needs to take this to the Board of Selectmen and the Administrator, stating that this to be a critical issue to be done as soon as possible. As soon as that is in place it would be fairly easy to create a guide regarding who is responsible.

Mrs. Foley asked how Boards interact. Mr. Mastrogiacomo responded that the Planning Board has set up Liaisons with other Boards.

Ms. Brown suggested asking Mr. Federspiel to distribute to the other Boards the periodic information that he submits to the Selectmen.

Mr. Russell suggested an annual meeting of all Boards together as a workshop where everyone communicates what they are doing.

Regarding whether an applicant should get approval from one Board before going to the next, members discussed the order of applications, Ms. Brown said an applicant cannot be forced to admit what his future plans are. She said it is not the Town's obligation to deny or approve based on a deed restriction.

Mrs. Delisio said that the Board is not getting information early in the process.

Ms. Brown explained that there is a certain amount of the time after an application is filed before the Board opens a public hearing. She explained that the Boards to whom the application is referred for comment do not require the same amount of information as the Planning Board does. making a comment.. Ms. Fish suggested that there be a deadline for applications to be submitted before a meeting. Ms. Brown said that can be set as a policy. [N.B. Secretary who was absent from this meeting subsequently suggested that Board members read MGL 40A Sections 9 and 11, and MBTS ZBL 7.8. for guidance in this matter.]

Mr. Russell said the application filing information is what should rule. There is precedent for Boards and Committees to apply. Mr. Russell would like the Board to have this conversation with the secretary.

Mr. Mastrogiacomo said the Board could have a policy that applications be complete before they gets on the agenda, and there be some review period before the hearing.

Members discussed whether or not they have the right to enter private property.

Regarding Recodification, the Board will inform the BoS what is being done. Mrs. Delisio would like the Board to come up with a time line. She said she would work on preparing that timeline.

Regarding 40-R, the Board will tell the BoS that they would like to move forward on it. Mr. Olney said it would be interesting to see a topo map blown up so that the Board could see land that might be considered. Members discussed a workshop on 40-R.

Mrs. Foley said she would like there to be available a folder of Town Counsel's advice.

Members discussed having an electronic file of documents and decisions. Mr. Russell said he would help with the project.

Ms. Brown distributed policy decision from the last draft of the Recodification that Mr. Bobrowski said the Board needed to move forward. She said they need to be discussed as a group and not individually. Mr. Mastrogiacomo said he would update the excel sheet.

Mr. Olney said Mr. Bobrowski had proposed information on Site Plan Review regulations, what should happen in the LCD, what should happen in big projects. He suggested a single set of standards for development.

Discussion of potential Zoning Bylaw Changes as part of Recodification, Town Planner
Discussed earlier in meeting.

Discussion of Zoning Recodification, Delisio Discussed earlier in meeting.

Discussion of Master Plan Implementation, Delisio Discussed earlier in meeting.

Discussion of Driveway/Curb Cuts Application Procedures and Enforcement, Foley

Mrs. Foley said she would like to have a curb cut approval process and enforcement. Mr. Mastrogiacomo said the Board could bring the Enforcement up with the BoS. Mr. Olney said that if someone comes in with a curb cut that meets all the requirements he does not see why the Board needs to approve it. The applicant can just go to the DPW and build it. If for some reason the applicant cannot meet all of the standards then they would apply to the Board. The Planning Board should be dealing with the difficult issues. Mrs. Foley said it gives neighbors an opportunity to have a say. Mr. Olney asked why the neighbors should have a say if the driveway is meeting the standards; build into the criteria what makes a good driveway. The Board should be working on the standards. It should be in the recodification. Mr. Russell said he agrees that the whole curb cut issue should be redefined. Mr. Olney said Manchester is the only town in

MA where the Planning Board does curb cuts. Ms. Fish said that Beverly had very well defined regulations on the matter.

Updates, Reports, Administrative, Affordable Housing, CPC Report, Master Plan Updates, New Business

Mr. Olney said the Affordable Housing Trust raised a zoning issue. It was brought to their attention that the inclusionary zoning is illegal. The question is: “What is legal? What are the options?” Ms. Brown said the feeling is that the Town is creating something without a clear nexus.

Mr. Mastrogiacomo said the CPC approved all the applications for projects except the parking kiosks at Singing Beach parking. The reason is that there is no enforcement so that would be money not well spent.

Ms. Delisio said that under New Business other Boards have a process of listening to the public. This would be an agenda item of matters that are not on the agenda. Ms. Brown said there can be a public comment section with parameters such as a certain length of time that someone can speak.

Mr. Russell suggested moving correspondence up to the first item and people can submit letters that will be read into the record.

Members discussed creating the Board’s own administrative policies.

Correspondence

There is a meeting on Western Woods on February 4 at 5:30 p.m. with Board Chairmen including Conservation, Fin Com, BoS. Ms. Brown said the discussion is about the overall process for discussing and reviewing land based matters in in preparation for Town Meeting. Mr. Coons will attend.

Ms. Brown said she applied for a grant for a Forester to create a Forest Stewardship Plan for the Western Woods and received it. The forester cannot start in time so the money will have to be given back and applied for again.

There being no further business to come before the Board, and upon motion made by Mrs. Foley and seconded by Mr. Coons, it was VOTED to adjourn. Adjourned at 8:50 p.m.

Submitted,	Approved by the Board on February 24, 2020
Helene Shaw-Kwasie	Mary Foley
Secretary	Clerk

Documents used at the meeting: 15 Proctor Street Driveway Plan; 33-35 Driveway Minor Modification