



OFFICE OF THE
PLANNING BOARD

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

Minutes of Planning Board Meeting
April 22, 2019 – Town Hall

Present: Chairman Peter Canny, Members Loren Coons, Christine Delisio, Andrea Fish, Mary Foley, Ron Mastrogiacomo, Connie Sullivan

Chairman Canny opened the meeting at 7:00 p.m.

Continued Public Hearing in accordance with MGL Chapter 40A, Section 11, the Manchester-by-the-Sea Planning Board to consider the application of Manchester-Essex Regional School District for a Special Permit under Sections 6. 9, 6.15 and 7.5 of the Zoning By-Law to build an elementary school in the location of the existing school, 43 Lincoln Street, Assessors Map 47, Lot 06, Zoning District G.

Mr. Canny called to order the Continued Public Hearing in accordance with MGL Chapter 40A, Section 11, the Manchester-by-the-Sea Planning Board to consider the application of Manchester-Essex Regional School District for a Special Permit under Sections 6. 9, 6.15 and 7.5 of the Zoning By-Law to build an elementary school in the location of the existing school, 43 Lincoln Street, Assessors Map 47, Lot 06, Zoning District G.

Peer Review Bill Jones had reported that he received documents from the School's engineer late last week and has not had time to prepare and submit his report.

In a telephone conversation today with Town Planner Brown, MERSD Director of Finance Avi Urbas requested that the public hearing be continued to May 6, 2019.

School Committee and School Building Committee member Annie Cameron was present at the meeting. She will request that Mr. Urbas submit a letter of continuance to the Town Clerk and the Planning Board secretary.

Upon motion made by Mrs. Delisio and seconded by Ms. Fish, it was VOTED to continue the Public Hearing on the application of Manchester-Essex Regional School District for a Special Permit under Sections 6. 9, 6.15 and 7.5 of the Zoning By-Law to build an elementary school in the location of the existing school, 43 Lincoln Street, Assessors Map 47, Lot 06, Zoning District G to May 6, 2019 at 7:00 p.m.

Manchester-Essex Regional School District, Determination under Section 4.9.5.1 of the Zoning By-Law to build an elementary school in the location of the existing school, 43 Lincoln Street, Assessors Map 47, Lot 06, Zoning District G

The application in this matter has not been filed with the Town Clerk as of this date.

Public Hearing to consider the application of MJP Properties for a Special Permit under Sections 7.5 and 6.16 of the Zoning By-Law for topographic changes within the “Setback Area” of 84 Old Essex Road, Assessors Map 58, Lot 32, Zoning District B.

Mr. Canny opened the Public Hearing to consider the application of MJP Properties for a Special Permit under Sections 7.5 and 6.16 of the Zoning By-Law for topographic changes within the “Setback Area” of 84 Old Essex Road, Assessors Map 58, Lot 32, Zoning District B.

Engineer Robert Griffin appeared before the Board representing the applicant, Michael Panzaro, principal of MJP Properties, was also in attendance.

Mr. Griffin reported that the ZBA held a Site Walk on Saturday. He staked the corners of the building today.

Mr. Griffin displayed drawings of the site with the existing conditions and the proposed conditions. He said the existing condition is a single family residence, 3 bedroom structure, which is 6 ft. off the side with 86 Old Essex Road and 12 ft. off the street line of Old Essex Road. He said there is a dilapidated retaining wall at the front and the ruins of an old barn structure.

He said there is a significant topographic rise going away from the street. The applicant is proposing a colonial structure with garage under. The proposed footprint is to be 10 ft. away from the side line which is 4 ft. further than the existing building. He is proposing to build the building 15 ft. off the street line where it is currently 12 ft. It will be more conforming but not completely conforming to Residence B. The proposed structure will conform to the east side. There will be a hearing at ZBA on Wednesday, April 24. There is an increase in intensity of use on a non-conforming lot, and a non-conforming building. The lot is 13,000 ft. of land where 15,000 is required.

The site is in Water Resource Overlay Protection District (WROPD) Zone III and he has submitted an application for the suitability of the proposed groundwater recharge device. Roof recharge will be put into a recharge structure in the back of the house. That will get the project below the 15% required for WROPD Zone III. The recharge device meets the 15% in the back of the building. They have been able to add a second recharge structure in the front of the building. Directly in front of the building, where they have proposed stairs to get from the asphalt driveway to the front door, they will bury an infiltration device, and roof leaders from the front corners will go into that front structure. By tying the back of the roof into the rear recharge structure and by tying the front of the roof into the front recharge structure, the only water that

will not go into a structure will be the driveway and part of the stairs and the front portion of the roof, which is about 8% of the lot area. They are well below the 15% threshold.

The site has constraints. The topography rises significantly from the street to the back yard. The elevation at the street is elevation 55 and the back yard is about 67 or 68. There is about 12 ft. of grade change from the front to the back of the house. The garage will be a few feet above the road, and then one step up to a basement elevation, and then a first and second floor. They meet the height requirements. The residence will be 38 ft. wide. There will be two car garage.

There will be a turn around so that cars can turn around and drive forward to the street. The retaining walls make up the grade change from the front to the street level. The first floor elevation of the building is 68.6 feet. It is 14 ft. above the street. The garage slab is at elevation 57, which is about 2 ½ ft. above the street elevation.

The height of the existing house is 29 ft. above the average grade plane around the building. The proposed height is 32.7 ft. which is about 3 ft. higher to the peak of roof as compared to the existing building. The average grade is the same.

Currently the only recharge in the area is what might fall in the gravel area. There is no formal recharge structure at the present time.

The proposed driveway slopes to the street and there is 2 to 2 1/2 ft. of grade change. The distance from the base of the garage to the street is about 30 ft., which is roughly a 7% grade. Water channels to the catch basin about 30 or 40 ft. away from the driveway. The water from the driveway will run down the gutter line to the catch basin. There is no curb around the driveway. The right side of the house complies with setback requirements. The driveway belonging to 82 Old Essex Road encroaches into the driveway of 84 Old Essex Road. There is an easement for the encroachment.

Total impervious is 2,420 sq. ft. which is 18.7% of lot area including the driveway, stairs and building. Roof run off will be collected from all of the back of the building and most of the front of the building and put into the two drainage structures. The only impervious surfaces that are not caught into the infiltration basin are the driveway and stairs and that amounts to 8.6% of the lot area. They are capturing 10% of the lot area with recharge out of that 18%.

One of the last things to be done is to pave the driveway. Up until that time there will be an undulating surface on, a gravel driveway. Until the gutters and downspouts and recharge structures are installed, the water will land on the ground the way it does currently.

During the construction, a trench can be dug in front of the driveway so that water, as it is moving down toward the street, is caught in the trench and will infiltrate. That will remain until the gutters, downspouts and infiltration structures are installed.

Ms. Fish requested that the temporary trench be a condition of approval.

Mr. Griffin said he is proposing to install Cultic chambers, which are circular shelf type structures, all empty underneath the structures so there is a lot of storage there. The structure is surrounded with crushed stone so water can accumulate, and then water percolates into ground. The way they are sized is based on the tributary area, so assuming that no water goes down into the ground this would handle one half inch of run off from the tributary area. This exceeds the requirements from DEP. The storage capacity of the infiltration structures is one half inch. For C soils, which is the type of soil on this site, DEP requires one quarter inch storage without assuming any water is going into the ground.

For a WROPD project, calculations are not based about what year storm (10, 25, 100 year), they are based on the tributary area and the required amount of storage in the structures being provided.

The back portion of the yard will be grass but at some point toward the end of the construction when they are putting in the landscaping they will put in a small patio 10 x 14 ft. paver patio that will allow water to percolate.

Contractors will have to dig and move machinery back and forth within 10 or 12 ft. of the building. They can put a pile of dirt to capture water and allow it to percolate into the ground up until the time when the gutters and down spouts are constructed.

The retaining wall will go above the stairs about 3 ft. to the railing. It will be made of concrete with a masonry veneer. The set backs are measured to the building. The stairs are not subject to the principal zoning setback.

In regard to the topographic changes, it is estimated that they will disturb about 30% of the setback area on the lot. Which compares to an allowance with no special permit of 10%. They will be working in the setback areas along the front and two sides. They will place 85 cubic yards of fill in one area and will remove 75 cubic yards of cut. So that is 160 cubic yards of disturbance in that area.

He has not seen any hard ledge that will cause a blasting problem. If they hit ledge they will chip it away with an excavator. The grade at the back of the house is 67. The basement is about 60.

Sandra Rogers, 82 Old Essex Road, is an immediate abutter on two sides, the property behind the house and 11 ft. from the driveway. Their drainage that comes from the top of the hill goes through a drainage pipe underneath the property at 84 Old Essex Road. They have an easement over 84 Old Essex Road. She said the proposed house is very large.

Mary Hardwick, 86 Old Essex Road, said the drain flows down the street toward 128. There are several drains along Old Essex Road. There are drains at the bottom of the hill, in front of 77, in front of 86 and in front of 88.

Joe Aiello, 77 Old Essex Road, said water goes to catch basins on both directions. He said the existing drainage takes care of normal rain. Every rain will flood

Mike Sullivan, 81 Old Essex Road, said this is an extremely peculiar lot. The buildable portion of the lot will be consumed by the new house. Everyone in the neighborhood has sump pumps. He suggested an unbiased opinion in terms of the ground water from peer review. He said the proposed house is oversized and out of character.

Mr. Griffin said the existing grade will be lowered by one ft. in the back corners. The street elevation is 54. The existing basement is dry and the proposed basement will be higher. They can put footing drains in and tie them into the recharge structure. One corner of the garage will be lowered by one foot. The building will be 5 ft. further back on the lot than the existing house.

Mary Hardwick, 86 Old Essex Road, said she shares the retaining wall that is collapsed and a bit of the wall in front with 84 Old Essex Road. Mr. Griffin said they will be rebuilding the walls. They will take care of asbestos when the house comes down. Ms. Hardwick said that after the concerns are taken care of the general feeling is positive.

Mr. Canny acknowledged receipt of letters from the Chief of Police who said they did not have any issue with the plan, the Board of Health who said they have no comment, and the Conservation Commission who reported that it is not in their jurisdiction.

Regarding drainage, DPW Director Charles Dam emailed that: “ My only comment from this plan is that I don’t like the overflow from the infiltration basin going to the street. Perhaps it could be routed to the side yard or the driveway. I would be open to them connecting to the town drainage system with more due diligence from the applicant.”

Members discussed the need for a peer review. No action was taken.

Mr. Mastrogiacono said they will store more water in the cisterns than release it and it will be a better situation. According to the engineer’s letter it meets the regulations. The plan is stamped by a professional engineer.

Mr. Canny said a registered engineer is presenting the plan and he has done the calculations. The conditions he would ask for are trenching during construction, drainage during construction and erosion control and a pile of dirt above the house to slow down the water. The existing drainage easement from the neighbor needs to be respected.

Mrs. Delisio cautioned the Board that there has been no follow through with Determinations. She suggested having conditions like a special permit.

Mr. Canny asked Mrs. Delisio to author the Decision.

Town Planner Brown recommended putting in a condition that every two years the home owner certify that they have had the system tested and it is functioning as designed.

Board Members will hold a Site walk on Saturday, April 27 at 10 a.m.

Upon motion made by Mrs. Delisio and seconded by Mr. Coons, it was VOTED to continue the to May 6, 2017 at 7 p.m.

Report of Town Planner

Regarding 40R, Mrs. Sullivan said the area should be more general than the LCD and other areas of town could be identified.

Regarding a meeting of groups of the town, Ms. Brown said she will facilitate the group. She will have someone from DHCD come in.

Master Plan Subcommittee Minutes

After a brief discussion, Mrs. Delisio and Mrs. Foley voted to approve as amended the MP Subcommittee Minutes of March 7, March 28, April 4, and April 16, 2019.

Surf Village Conservation Restriction Update, Brown

Ms. Brown has attempted to contact the applicant and his attorney and has no response

Update on Meeting with Mark Bobrowski and Vote on Bobrowski Agreement for Zoning By-Law Recodification, Brown

Ms. Brown reported that she sent Atty. Bobrowski a signed copy of the Agreement for Recodification of the Zoning By-Law. She will submit a copy to the Town Accountant and get a purchase order set up.

She received a memo from Gary Gilbert which she will send to Mr. Bobrowski. Mr. Bobrowski's audit will have technical changes

CPC Report

Mr. Mastrogiacomo reported that the CPC had met on April 17. He read the minutes of the meeting into the record.

Affordable Housing

Mrs. Sullivan reported that the Trust will have funds available on July 1. The Trust is making it known that they do have money available.

Report of Town Planner
CPC Minutes of April 17, 2019

Master Plan Subcommittee Minutes dated March 7, March 28, April 4, April 16

Planning Board Minutes dated April 8, 2019

Memo of Mary Foley Meeting with Greg Federspiel re Driveway/Curb Cuts and Infiltration Systems dated March 29, 2019

Memo of Mary Foley Meeting with Greg Federspiel re Driveway/Curb Cuts and Infiltration Systems dated April 1, 2019

Letter from Police Department re 84 Old Essex Road

Email from DPW re 84 Old Essex Road

Email from Board of Health re 84 Old Essex Road

Conservation Commission re 84 Old Essex Road