

**MINUTES
MANCHESTER-BY-THE-SEA
ZONING BOARD OF APPEALS**

Meeting June 26, 2019

Members Present: Sarah Mellish (Chairperson), James Diedrich, John Binieris, and James Mitchell (Alternate).

Members Not Present: Bridget Murray and Kathryn Howe (Clerk).

Ms. Sarah Mellish, the Chairperson, called the Meeting of the Manchester-by-the-Sea Zoning Board of Appeals ("ZBA") to Order at 7:00 p.m. Ms. Mellish introduced the ZBA members to those in attendance. Ms. Mellish stated that this meeting will be digitally recorded by the ZBA Administrative Assistant. It is noted that the typed minutes represent the permanent record of the Board. The format of the hearing was explained to those in attendance by the Chairman.

Ms. Mellish explained the standard ZBA meeting procedures to the applicants and to the members of the public. Ms. Mellish added that the ZBA has only four (4) members in attendance this evening, and normally there are five (5) members and two (2) alternates present; however, we have two (2) members out this evening and we presently only have one (1) alternate. All four (4) members must vote in favor of approving applications tonight, in order for them to pass. Ms. Mellish gave the applicants the option of continuing their applications to the July meeting.

Ms. Mellish stated that Mr. John Binieris was not present at the May ZBA meeting, but has read the minutes from that meeting.

CONTINUED APPLICATIONS

Ms. Mellish introduced the application of **84 Old Essex Revocable Trust, MJP Properties, Inc. Trustee (Michael Panzero)**, for a Special Permit under Sections 6.1.2, and 7.5.2 of the Zoning By-Law, and/or other relief as may be necessary, for removal and reconstruction of a pre-existing, non-conforming, single-family residence on a non-conforming lot, at **84 Old Essex Revocable Trust, MJP Properties, Inc. Trustee (Michael Panzero)**, Assessor's Map No. 58, Lot 32 in District B, filed with the Town Clerk on March 27, 2019.

Mr. Bob Griffin of Griffin Engineering introduced himself as the engineer for this proposed project, along with Mr. Michael Panzero, the Trustee of MJP Properties, Inc.

Mr. Griffin explained as follows: This house is a non-conforming building on a non-conforming lot (13,000 square feet—15,000 square feet required), 91 feet of frontage from side to side, and it is located just a little less than 12 feet from the Old Essex Road street line, 6 feet from the adjacent sidelines.

We presented this application at the April 24 2019 ZBA meeting. At that time the proposed project involved removing the existing house and replacing it with a two-story dwelling with a two-car garage. There were concerns expressed regarding the size of the building and its proximity to the setback lines. Mr. Griffin presented the revised plans to the ZBA members. The newly proposed project involves a significantly narrower house—it will be a 3-bedroom house, rather than a 4-bedroom house. The square-footage has decreased by 7%, compared to the original proposed house. The original proposed house was 60 feet from side to side, and the new house will be 42 feet. The height of the building has been reduced by moving the roof line to just above the second story windows, the ceiling height of the second story rooms' walls will be shorter, and there is a shallower roof pitch, resulting to an overall 4 foot reduction in the overall height of the building. There will be a small front porch to give the structure a little more visual relief. The existing house is 6 feet from the lot line, and the new house will be 18 feet from the lot line. The new front of the house will be the same as the existing line. We couldn't push the new house any further back on the lot, due to the ledge. There will be a two-car garage, with enough vehicle turn-around space. There will be stairs going up to the front door. We have included storm water infiltration devices around the house. We no longer require relief for a side yard setback, but we still require the Special Permit for the front yard setback. The Planning Board has issued a Special Permit for this project.

We have engaged a landscape architect, who has done a nice landscaping plan. The landscaping plan includes screening around the garage next to the stairs, flowering trees, including Dogwood, a Redwood, and Japanese Maple trees. The large oak tree along the side line will remain, due to the more narrowed size of the house, but the other large oak tree (closest to the new construction, will have to be removed.

In conclusion, we believe that we have done a good job in listening to the ZBA and public's comments, and we hope that you find this modified plan satisfactory.

Mr. Mitchell stated that the applicants have done an admirable job listening to the comments at the prior meeting and responding with improved proposed plans. The revised plans results in a smaller, less intimidating building. Mr. Diedrich stated that he is satisfied with the revised plans and applauds the applicants for listening and taking such positive steps. Mr. Binieris stated that he agrees with Mr. Mitchell and Mr. Diedrich and added that the applicants have done a great job scaling the project down and adding the nice landscaping plan. Ms. Mellish also agreed.

Ms. Mellish opened the public hearing to the public. Mary Hardwick, 83 Old Essex Road, thanked the applicants for designing an "amazing" house next door to her, and appreciates that the new house will be 18 feet away from their house, instead of 6 feet. Ms. Hardwick requested that the applicants put animal traps down prior to construction, and that the asbestos be removed. Sandy Rogers, 82 Old Essex Road, thanked the applicants for the effort they made to modify the project, and asked that no trees be removed, because the proposed house will be pushed back a little. Mr. Griffin replied that there will not be any grading changes made—we will only remove what is necessary to construct the building, so there will be no changes to the vistas. Ms. Foster, 76 Old Essex Road, expressed concern that some of the vegetation is dead and should be removed. Mr. Binieris asked how long the house has been vacant, and Ms. Foster replied more than one year. Mr. Binieris concluded that the house must be dilapidated, so any

existing vegetation hasn't been maintained anyway. Mr. Griffin explained that they will have to remove some of the vegetation, as needed to complete the construction and landscaping projects, but we are not planning to remove any vegetation up the hill.

There were no further questions or comments from the public or the ZBA members. All the ZBA members were satisfied with the revised proposed project, and Ms. Mellish commended Mr. Griffin and Mr. Panzero for listening to the comments from the April meeting and the revised proposed project.

Ms. Mellish offered the applicants the opportunity to continue this application when there are more members present, or allow the ZBA members to vote. The applicants chose the vote.

Ms. Mellish made a motion to approve the application of **84 Old Essex Revocable Trust, MJP Properties, Inc. Trustee (Michael Panzero)**, for a Special Permit under Sections 6.1.2, and 7.5.2 of the Zoning By-Law, and/or other relief as may be necessary, for removal and reconstruction of a pre-existing, non-conforming, single-family residence on a non-conforming lot, at **84 Old Essex Revocable Trust, MJP Properties, Inc. Trustee (Michael Panzero)**, Assessor's Map No. 58, Lot 32 in District B, filed with the Town Clerk on March 27, 2019. Based on the finding that this proposed project is not substantially more detrimental or injurious to the neighborhood than the existing structure, and also provided that construction proceed based in compliance with the plans that were submitted and/or presented to the ZBA.

Mr. Diedrich seconded the motion. Vote: Ms. Mellish, Mr. Diedrich, Mr. Binieris, and Mr. Mitchell voted unanimously in favor of approving this application.

Mr. Diedrich will write the decision, and Mr. Binieris will review it.

Documents Produced: Cover letter to the Manchester Zoning Board from Robert H. Griffin, dated June 5, 2019. Permit Site Plan C-1, signed and stamped by Robert H. Griffin, Professional Engineer, dated June 5, 2019. Plans: House 19-38 Front Elevation; Project 19-38 Right Elevation, Back Elevation, and Left Elevation; House 19-38 First Floor Plan; House 19-38 Second Floor Plan; Landscape Plan; and Landscape Elevation. Each one (1) page, 8.5" x 11" size

Ms. Mellish introduced the application of **Andrew and Liesl Hawley** for a Special Permit under Sections 6.1.2, and 7.5.2 of the Zoning By-Law, and/or other relief as may be necessary, to change the use of the existing building from mixed use to residential use, renovate the existing non-conforming structure and construct additions to the existing structure, and construct a new attached 2-car garage, at **48 Central Street**, Assessor's Map No. 44, Lot 19 in District G, filed with the Town Clerk on April 24, 2019.

Mr. Binieris stated that he has reviewed the plans.

Mr. Hawley explained as follows: At the May ZBA meeting, they had been asked to meet with the neighbors to see if we could find a way to address some of the issues they had. In addition, the ZBA requested a present and proposed overlay photo of the view from the

neighbors' perspective. We met with the neighbors, but didn't come to a major resolution. One possible suggestion was to change one of the proposed walls to a cable rail wall, but the neighbors were no in favor of that change. The neighbors had suggested that the proposed two-car garage be removed from the proposed project. We had originally planned to bump out all three floors and construct a peaked garage roof, but decided not to do that and took great care in designing this proposed project. Mr. Hawley added that he has spoken to several other abutters, who are in favor of the proposed project, and Mr. Hawley presented two letters in support from abutters.

Mr. Brian Stein, the architect on this project, distributed the overlay photos to the board members and some of the public. These photos were taken from the deck of 50 Central Street, depicting existing views and the views resulting from the proposed project (some of which were obstructed views).

Mr. Stein explained that the Historic District Commission ("HDC") conducted a site visit of our property at 48 Central Street, and our neighbors' property at 50 Central Street. The HDC members were in favor of the proposed project (reinstalling clapboards, 6/6 windows), but suggested changing the size and shape of the rear windows, which we have done and will go before the HDC again tomorrow evening (June 27th).

Ms. Mellish asked about the change of use issue. Mr. Stein stated that the applicants would not like to change the use of the property, but have it continue to be a mixed use (commercial and residential) property. We were planning to convert the property to a single-family home, reducing the traffic, removing the asphalt, and more landscape plantings. However, if that is an issue, we would not object to maintaining it as a mixed use.

Comments by the ZBA: Mr. Binieris stated that he likes the fact that the house would be converted back to a single-family home, because people who rent space are not as invested in the property/area as people who actually live there full-time. Mr. Binieris also stated that he likes the improvements to the structure, the removal of asphalt and new landscape plantings.

Mr. Mitchell stated that the revised project scores high points for the elimination of traffic and asphalt, the attention to make this project as minimally intrusive to the neighbors as possible, and the aesthetic improvements to the building.

Mr. Diedrich asked if the applicants how they will handle the construction, noise, and the parking of the construction vehicles on Central Street that may go on for a year. Mr. Diedrich stated that it is very important to work closely with the neighbors. Mr. Hawley replied that they plan to do the interior renovations first, prior to constructing the garage. We will make sure that no debris goes into the harbor or the neighbors' yards. Also, we are renting a house close by on Saw Mill Circle, so if any issues arise, we will be close by.

Ms. Mellish opened the hearing to the public.

Mr. Mike Storella, 119 Pine Street, explained as follows: This application was continued so that the proposed project could be modified to accommodate the neighbors' views, vistas, and

privacy at 50 Central Street. This is a very nice design, but too big in size for that neighborhood and expressed concern about the decrease in the property value at 50 Central Street.

Brian Sollosy, 11 Central Street, explained, in summary, that the views and vistas from 50 Central Street will be obstructed by the proposed garage and extended deck. This proposed project will have an adverse effect on the neighborhood's property value (per letter from Molisse Realty Group), as well as the character of the neighborhood and the Town. Mr. Sollosy pointed out that the people residing in this neighborhood participate as active participants/volunteers of the many festivities and activities of Manchester-by-the-Sea.

Ms. Lisa Martinez, 50 Central Street, displayed color photos from her property with existing conditions and overlaid proposed conditions (see documents produced) and explained the adverse effects of the proposed project on her property's views and vistas, as well as privacy issues and property value.

Jonathan Leavitt, 50 Pine Street (previous owner of 48 Central Street), spoke in favor of this proposed project. This building was a mixed use with 13 offices and people coming and going at all times. There was a rental unit on the top floor. Mr. Hawley is proposing to turn this back to a single-family home, as it was originally in the 1800s, and greatly improve the aesthetics of the home. Mr. Leavitt added that this proposed project will increase the property values of the neighborhood.

Mr. Maestranzi, 46 Central Street (his family Maestranzi, owns 44 and 46 Central Street), stated that he was not given proper abutter notice. He spoke in favor of the change to a single-family home and landscaping. The driveway at 48 Central and 46 Central has always been a shared driveway to turn around and get in and out, and expressed significant concern about the construction vehicles parking and entering and exiting the driveway during the construction at 50 Central Street, as well as the space Mr. Maestranzi uses for vehicle maneuvering will no longer exist, due to the construction of the garage.

Other abutters present also stated that they had not received notice of the hearing. The clerk stated that she obtains an Abutters List from the Assessors' Office (all abutters within 300 feet of the applicant's property) and sends a hearing agenda to each abutter (owners only) on the list via first class mail, so that these notices are received at least 14 days prior to the hearing. These notices are sent prior to the original hearing, but not required to resend notices, if an application is continued. None of the abutters' mailings were returned to the Town Hall.

Jeff Parker, 41 Central Street, spoke in support of the proposed project, but expressed concern regarding flooding. Ms. Mellish stated that the ZBA's responsibility does not include sea levels.

Robert Hofeldt and his wife Kim own 42 Central Street, explained that he just found out the scope of the proposed project today and it is too big, and expressed concern about other properties following this example. Mr. Hofeldt was an 8-year member of the HDC and stated that he is very concerned about preserving the character of his neighborhood and preserving the character of the Historic District in general. Mrs. Kim Hofeldt made similar statements of

concern about properties being extended towards the harbor, and would like to have more conversations to learn more about the impact of this proposed project.

Peter Canny, 3 Knight Circle, and a former long-time member and Chair of the Planning Board, spoke in support of the proposed project.

Ms. Mellish closed the hearing to the public and asked the ZBA for their comments.

Mr. Mitchell explained that although he is in support of the plans and the efforts, the immediate abutters expressed concerns about the loss of views, and it also seems that the abutters have not been notified. Mr. Mitchell suggested that further concessions could possibly be made and he would be hard pressed to make a yes vote tonight.

Ms. Murray read four (4) letters into the record in their entirety: A letter from John Bartlett, 40-42 Central Street #3, stating that he is against the proposed project. A letter in support from Julie and Patrick Riordan, 21 Boardman Avenue. A letter in support from Jonathan Leavitt, 50 Pine. A letter in opposition regarding loss of property value of 50 Central Street, from Jessica Tully Molisse Realty Group.

Mr. Diedrich explained that the proposed renovated building is quite attractive; however he had serious problems with the proposed size; the shared driveway, and the fact that several people seem to have not been notified. Therefore, he would like to there to be more discussion between the applicants and the abutters. If I were to be forced to vote on this tonight, I would probably not approve it.

Mr. Binieris explained that one compromise may be scaling the garage back to 1-1/2 bays or a single bay. Also, if you are living on a working harbor, you are giving up a lot of your privacy as it is, because there is a lot of activity going to and from and into the harbor, with boats, etc.

Ms. Mellish explained that if people choose to live in the village, they need to understand that there is a loss of privacy. Ms. Mellish stated that she is in favor of the proposed project; however, given the discussion this evening, she thinks it is important to have more dialogue with the neighbors

Mr. Hawley stated that he was concerned that the ZBA wouldn't approve this proposed project, so we prepared a second version of the plans without the garage, but include the renovations to the house and the 9-1/2 foot bump-out. Mr. Hawley asked the ZBA members would accept the revised plans in place of the original plans. Mr. Brian Stein distributed copies of the revised plans.

Mr. Diedrich expressed some concern that the applicants are asking the ZBA to make a decision on plans just received at tonight's meeting, but basically the applicants are giving up the garage. Mr. Mitchell added that the neighbors would be getting their views back.

Ms. Martinez stated that she would certainly consider the revised plans and appreciates the applicants' consideration of us neighbors, but this is the first we neighbors have seen of these plans and requested some time to review the plans.

Ms. Mellish stated that this discussion will be suspended and go on to the next application, while the neighbors review the plans, and then continue the review of the 48 Central Street application, if the neighbors agree, after their review of the revised plans. Ms. Martinez and the other neighbors, Mr. Hawley, Mr. Stein went to Room 7 to review and discuss the revised plans.

Ms. Mellish made a motion to suspend consideration of the application of the application of Andrew and Liesl Hawley for a Special Permit under Sections 6.1.2, and 7.5.2 of the Zoning By-Law, and/or other relief as may be necessary, at **48 Central Street**, Assessor's Map No. 44, Lot 19 in District G, filed with the Town Clerk on April 24, 2019, to provide time for the abutters/neighbors to review the revised plans.

Mr. Diedrich seconded the motion. Vote: Ms. Mellish, Mr. Diedrich, Mr. Binieris, and Mr. Mitchell voted unanimously in favor of suspending consideration of this application to provide time for the abutters/neighbors to review the revised plans.

Mr. Hawley, Mr. Stein, Ms. Martinez, and the neighbors returned from their review and discussion of the revised plans.

The ZBA members continued the 9 Washington Street application and heard and approved the 21 Forest Street application while the 48 Central Street applicants and abutters/neighbors were reviewing and discussing the revised plans in Room 7.

Ms. Mellish made a motion to reopen the application of Andrew and Liesl Hawley for a Special Permit under Sections 6.1.2, and 7.5.2 of the Zoning By-Law, and/or other relief as may be necessary, at **48 Central Street**, Assessor's Map No. 44, Lot 19 in District G, filed with the Town Clerk on April 24, 2019.

Mr. Diedrich seconded the motion. Vote: Ms. Mellish, Mr. Diedrich, Mr. Binieris, and Mr. Mitchell voted unanimously in favor of reopening this application.

Mr. Hawley stated that the revised plans do not include the garage, but will include the 9-1/2 foot bump-out to the first floor of the house.

Ms. Mellish reopened the hearing to the public.

Mr. Martinez stated that the revised plans are a reasonable compromise.

Mr. Maestranzi, 46 Central Street, raised concern about snow removal, and Mr. Diedrich replied that snow removal shouldn't be an issue here.

There were no further questions, concerns or comments from the public.

Ms. Mellish closed the hearing to the public and opened the hearing to ZBA member discussion.

Ms. Mellish, Mr. Diedrich, Mr. Binieris, and Mr. Mitchell stated that they are satisfied with the revised plans and the abutters/neighbors' approval as well.

Ms. Mellish made a motion to approve the application of **Andrew and Liesl Hawley** for a Special Permit under Sections 6.1.2, and 7.5.2 of the Zoning By-Law, as well as a Variance to change the use of the existing building from mixed use to residential use, renovate the existing non-conforming structure and construct a 9-1/2 foot bump-out to the rear first floor of the building, and **will not include a mud room or an attached two-car garage**, at **48 Central Street**, Assessor's Map No. 44, Lot 19 in District G, filed with the Town Clerk on April 24, 2019. Our decision is based on the non-conforming structure being changed, extended, or altered and based on the finding that this proposed project is not substantially more detrimental or injurious to the neighborhood than the existing structure and use, and also provided that construction proceed based upon compliance with the revised plans that were submitted to the ZBA this evening, (June 26, 2019).

Mr. Mitchell seconded the motion. Vote: Ms. Mellish, Mr. Diedrich, Mr. Binieris, and Mr. Mitchell voted unanimously in favor of approving this application.

Mr. Mitchell will write the decision, and Mr. Diedrich will review it.

Documents Produced: Plans for 48 Central Street: Rear South Elevation Windows, revised June 26, 2019. Site Plan, Lower Level Basement Plan, First Floor Plan, Second Floor Plan, Third Floor Plan, Front (Central Street) Elevation with Fence, Rear (South) Elevation, East Elevation, West Elevation. Each 1 page, 8.5 x 11" size, revised June 26, 2019. The plans do not include the two-car garage that will not be constructed.

Superimposed color photographs from 50 Central Street View from 50 Central Upper Deck, Proposed Garage Outline, and View from 50 Central Lower Deck (11" x 17" size). Superimposed color photo From 50 Central Edge of Upper Deck (8.5" x 11" size).

Letter in Opposition from John A. Bartlett, 40-42 Central Street, dated June 25, 2019. Letters in support of proposed project at 48 Central Street from Julie and Patrick Riordan, 21 Boardman Avenue, dated June 23, 2019 and Jonathan Leavitt, 50 Pine Street, dated June 24, 2019. Letter to Lisa Martinez and Christopher Williams, 50 Central Street, from Molisse Realty Group, outlining the value of their property (not dated). Each one page, 8.5" x 11" in size.

Ms. Mellish introduced the application of **Henri Deguillebon** for a Special Permit under Sections 6.1.2, and 7.5.2 of the Zoning By-Law, and/or other relief as may be necessary, to construct new alterations and additions to a non-conforming structure and non-conforming lot, at **9 Washington Street**, Assessor's Map No. 46, Lot 10 in District G, filed with the Town Clerk on April 25, 2019.

Ms. Mellish asked if there was anyone present for this application, and there was not.

Ms. Mellish announced that the applicant, Mr. Deguillebon, and the agent, Mr. Remko Breuker, have requested that this application be continued to the August 28, 2019 meeting.

Ms. Mellish made a motion to continued the application of **Henri Deguillebon** for a Special Permit under Sections 6.1.2, and 7.5.2 of the Zoning By-Law, and/or other relief as may be necessary, to construct new alterations and additions to a non-conforming structure and non-conforming lot, at **9 Washington Street**, Assessor's Map No. 46, Lot 10 in District G, filed with the Town Clerk on April 25, 2019, to the July 24, 2019 ZBA meeting.

Mr. Diedrich seconded the motion. Vote: Ms. Mellish, Mr. Diedrich, Mr. Binieris, and Mr. Mitchell voted unanimously in favor of continuing this application.

NEW APPLICATION

Ms. Mellish introduced the application of **David Sabatini** for a Special Permit under Sections 6.1.2, and 7.5.2 of the Zoning By-Law, and/or other relief as may be necessary, to construct new single bay garage and additions to an existing structure (from 1,672 square feet to 2,510 square feet and raising the ridge height from 26 feet to 32 feet, at **21 Forest Street**, Assessor's Map No. 11, Lot 5 in District A, filed with the Town Clerk on May 28, 2019.

Mr. David Sabatini introduced himself as the applicant and explained that there was a question at the site visit regarding the actual footprint versus the added footprint and the total footprint. Ms. Mellish stated that it is presently non-conforming with respect to structure coverage, going from 16% to 18.96% thus extending the non-conformity for lot coverage by structures. Mr. Sabatini stated that the driveway will be impervious, the garage is a one-car garage, 16 feet by 22 feet deep.

Mr. Mitchell asked Mr. Sabatini if there is a way to build the house he would like to build with the garage, but reduce the footprint by 220 square feet? Mr. Sabatini replied that the foundation is already existing, so to get back to the 220 square feet, I would have to go back to the original house. Mr. Mitchell pointed out that there is a proposed breezeway, so you could build a smaller garage and a smaller breezeway. Mr. Sabatini replied that if he reduced the garage 14 feet, it would be 14 feet by 22 feet, and the house is 22 feet wide. Mr. Mitchell suggested 12 feet by 22 feet, which is the minimum size of a garage and shrink the size of the breezeway.

Ms. Mellish explained that the ZBA members have to decide if we will accept the increase of the non-conformity. Mr. Binieris pointed out that the back yard abuts Town-owned green space, which is non-buildable, so you will not be encroaching upon a neighbor in the back. Mr. Sabatini stated that there is Town-owned green space almost surrounding the existing property.

Ms. Mellish read a letter opposing the proposed project from Ms. Bridget Murray, 19 Forest Street, dated June 17, 2019, in its entirety into the record.

Mr. Sabatini stated that he is only adding 6 feet on the top (second floor) for more head room, with a master closet on the side, and reducing the size of the original garage in length.

Mr. Binieris asked if Mr. Sabatini would be amenable to planting some screening trees along Ms. Murray's fence, and Mr. Sabatini agreed.

There was not anyone present from the public for this application.

Ms. Mellish asked the board members for their input.

Mr. Diedrich stated that if Mr. Sabatini would be willing to put in some screening along the 35 foot stockade fence, he would support the proposed project, and that he agreed with Ms. Mellish that the added conformity (lot coverage by structure) is not an issue. Mr. Binieris and Mr. Mitchell agreed, and Mr. Binieris suggested Dogwood or Arborvitaes trees. Mr. Sabatini suggested Evergreen trees perhaps.

Ms. Mellish made a motion to approve the application of **David Sabatini** for a Special Permit under Sections 6.1.2, and 7.5.2 of the Zoning By-Law, and/or other relief as may be necessary, to construct new single bay garage and additions to an existing structure (from 1,672 square feet to 2,510 square feet and raising the ridge height from 26 feet to 32 feet, at **21 Forest Street**, Assessor's Map No. 11, Lot 5 in District A, filed with the Town Clerk on May 28, 2019. Based on the finding that this proposed project is not substantially more detrimental or injurious to the neighborhood than the existing non-conforming structure, and also provided that construction proceed based in compliance with the plans that were submitted and/or presented to the ZBA. Also, with the provision that the applicant will plant vegetation screening along the fence abutting the Murray property at 19 Forest Street, and that the application will have a discussion with Ms. Murray (the abutter) regarding the type of screening.

Mr. Binieris seconded the motion. Vote: Ms. Mellish, Mr. Diedrich, Mr. Binieris, and Mr. Mitchell voted unanimously in favor of approving this application.

Mr. Binieris will write the decision, and Ms. Mellish will review it.

Documents Produced: Proposed Plot Plan, stamped by Vernon J. LeBlanc, dated May 8, 2019, GIS Aerial View of 21 Forest Street, Assessor's Map of Neighborhood (each 1 page, 8.5" x 11" size).

Plans: 16' Standard Deck Cross-Section, Cross Section 2-2 and 3-3 (Ridges plus Garage, Cross Section 1-1 (Staircases), Standard Soffit, Roof Framing Plan, Attic Ceiling Framing Plan, Attic Framing Plan, Second Floor Framing Plan, First Floor Framing Plan, Roof Plan, Attic Plan, Second Floor Plan, First Floor Plan, New to Existing Foundation Connection, Garage Door Framing Plan, Back Elevation, Right Elevation, and Left Elevation (one page), Front Elevation, and Front Elevation, First Floor Plan, and Second Floor Plan (one page). (Each 1 page, 11" x 17" size). Dated May 21, 2019.

Letter in opposition from Bridget Murray, 19 Forest Street, dated June 17, 2019 (1 page, 8.5" x 11" size).

ADMINISTRATIVE MATTERS

ZBA Meeting Minutes: Review and approval of the April 24, 2019 and May 22, 2019 minutes. The board members had read these minutes and had no comments or suggested edits.

Ms. Mellish made a motion to approve the **April 24, 2019** ZBA meeting minutes, as written. Mr. Mitchell seconded the motion. Ms. Mellish, Mr. Diedrich, and Mr. Mitchell voted unanimously in favor of approving these minutes. Mr. Binieris was not present at the April 24, 2019 meeting.

Ms. Mellish made a motion to approve the **May 22, 2019** ZBA meeting minutes, as written. Mr. Mitchell seconded the motion. Ms. Mellish, Mr. Diedrich, Mr. Binieris, and Mr. Mitchell voted unanimously in favor of approving these minutes.

ZBA Application Revisions: Final discussion and vote regarding revisions to the ZBA Application. Tabled to the next ZBA meeting.

Recommended Town Meeting Warrant Article—Swimming Pools: Ms. Mellish suggested that if the swimming pool is within the setback, meets the coverage requirements, uses low-level lighting, screening from a public way, and satisfies the Commonwealth of Massachusetts' fencing and safety requirements, then the ZBA would not have to review an application for a swimming pool, and suggested that this be an article for the Town Meeting Warrant. Mr. Diedrich, Mr. Binieris, and Mr. Mitchell agreed.

Recommended Town Meeting Warrant Article—Appointment Terms: Mr. Diedrich pointed out that the terms of staggering appointments already exists in the Zoning By-Laws in Section 7.4 (pgs. 110-111). Mr. Diedrich added that the ZBA had to make exceptions to accommodate recent vacancies, and added that it is difficult finding people who want to serve as members of the ZBA.

Recodification of the Zoning By-Laws: Ms. Mellish stated that she attended this introductory meeting earlier this evening, but the next meeting is going to be more detailed, and they would like more ZBA members to attend. Mr. Diedrich stated that he would like to see "total square footage regarding structures" added to the By-Laws.

Abutters' Notices: Ms. Ardolino, the ZBA administrative assistant, stated that she obtains a copy of the Abutters List and Abutters' labels from the Assessors' Office for every application. Then the agenda for the upcoming meeting is inserted into these envelopes and mailed first class mail. Mr. Binieris suggested bringing the abutters list for every application to each meeting.

Adjournment: Ms. Mellish made a motion to adjourn the June 26, 2019 ZBA meeting at 9:30 p.m. Mr. Diedrich seconded the motion. Vote: Ms. Mellish, Mr. Diedrich, Mr. Binieris, and Mr. Mitchell voted unanimously in favor of adjourning the meeting.

Respectfully submitted,
Adele Ardolino, Administrative Assistant
Manchester-by-the-Sea Zoning Board of Appeals

These Minutes were approved by the members of the Zoning Board of Appeals on August 28, 2019. The July 24, 2019 ZBA meeting was cancelled.

N.B. These minutes are not verbatim. They are the clerk's interpretation of what took place at the meeting.