



OFFICE OF THE  
**PLANNING BOARD**  
TOWN HALL, 10 CENTRAL STREET, MANCHESTER-BY-THE-SEA, MA 01944-1399

Meeting of the Planning Board  
October 9, 2019 – Town Hall

Present: Members Coons, Delisio, Fish, Foley, Mastrogiacono, Olney, Russell

Absent:

Others Present: S. Mellish, P. Orlando (Building Inspector/Zoning Enforcement Officer), S. Brown (Town Planner), Consultant Mark Bobrowski

Mastrogiacono called the meeting to order at 5:30 p.m.

Mr. Bobrowski noted that this meeting was to discuss residential zoning bylaws, specifically those sample bylaws sent in advance to review (listed below and attached). Sue asked Mr. Bobrowski to identify when “definitions” could be discussed as this was tabled due to time constraints at the last meeting. Mr. Bobrowski suggested that definitions be discussed when the first consolidated draft was discussed in early December. Anyone with suggestions regarding definitions should send recommendations or ideas to Sue to forward to Mr. Bobrowski in advance.

Mr. Bobrowski led the discussion.

Mr. Bobrowski recommended that Stormwater Management Special Permit (Section 6.15) be removed from Zoning and added to the Town’s General Bylaws. The PB could remain the Special Permit Granting Authority, when the project is not wholly subject to jurisdiction under the Wetlands Protection Act.

Senior Housing sample bylaw

- Mr. Bobrowski noted that Case Law allows special permits the authority to grant conditions that otherwise would require a variance.
- Where would it be allowed? In all districts – given that they are only by Special Permit.
- Whether a minimum lot size should be required, and if so, what size is appropriate?
- Density – 3,000 sq feet of lot area per unit would result in density similar to the Plains; consider 2,000
- Height – allow up to 45 with special permit
- Building Coverage – Consider whether this needs to be different than what is allowed by sf homes in the district

- Setbacks- should this be dependent on height? Is there a formula that would increase setback with distance from nearest residential unit or lot line based on height of new building
- Parking requirement should be removed from this bylaw and be covered instead in parking table for all uses.

The Board and others agreed that a new Short Term Rental Bylaw would not be considered at this time.

#### Accessory Uses sample bylaw

- There was not consensus on whether overnight parking of commercial vehicles should be regulated or if regulated the number and size of commercial vehicles that should be allowed by right, and with a special permit. Should it depend on the size of the lot, screening etc? Need to define what constitutes a commercial vehicle.
- Prohibited accessory uses should include unregistered boats as well as motor vehicles.
- Home occupations as of right and special permit - given the growing number of homeowners working from home, how should they be regulated
- Landscaping and Construction businesses are not considered home occupations: however if the only business done on the premises is administrative and it is not a “maintenance or supply yard” would this need to be regulated any more than any other typical home occupation?

#### Flexible Development

- Would replace current Special Provision for Open Space Planning (6.7) and Planned Residential Development (6.8)
- What type of housing would be considered?
- What are the incentives for developing under this bylaw? Density, Height, other?
- Affordable Housing could be negotiated - for example density or height could be increased for affordable unit
- Number of units could be negotiated - for example more units could be offered for a greater percentage of open space or more affordable units
- Mr. Bobrowski recommended looking at Concord Riverwalk as a project that was allowed by this type of flexible development bylaw.

Mr. Bobrowski opined that the Town’s Inclusionary Zoning bylaw is illegal. He believes it is an extraction that does not benefit the Applicant, and is therefore illegal.

The next meeting scheduled for November 6 at 5:30 PM will focus on a Zoning for Non-Residential Uses. Following that meeting, Mr. Bobrowski will submit a full Draft Zoning Bylaw to be discussed at a meeting in early December.

Mastrogiacomo adjourned the meeting at 7:30 PM.

Meeting minutes submitted by Town Planner, Sue Brown.

Documents discussed or referred to:

- 8.3 Senior Housing (sample bylaw)
- 4.50 Short Term Rentals (sample bylaw)
- 3200 Accessory Uses
- 7.3 Flexible Development