



January 21, 2022

**BY ELECTRONIC MAIL: hunterg@manchester.ma.us
AND FIRST CLASS MAIL**

Ms. Sarah Mellish, Chair
Manchester Zoning Board of Appeals
Manchester Town Hall
10 Central Street
Manchester-by-the-Sea, MA 01944-1399

Re: Application for Comprehensive Permit – School Street, Manchester

Dear Chair Mellish:

As you know, this firm represents the Manchester Essex Conservation Trust (“MECT”), which is the steward of many land parcels in the vicinity of the Chapter 40B Project Site. I am following up from last week’s public hearing on the School Street Chapter 40B application, to respond to some statements that were made during the hearing, and to offer another engineer’s perspective on the Applicant’s traffic study.

1. The Project’s Traffic Impacts

MECT has retained an experienced transportation engineer, David Black, to review the Applicant’s Transportation Impact Assessment (“TIA”), prepared by Vanasse & Associates, Inc.. Mr. Black’s preliminary memorandum is attached. The highlights are:

- “The Project is totally auto-dependent due to its remoteness from public transportation and the fact that there are no pedestrian or bicycle accommodations in the immediate vicinity of the site.”
- A Transportation Demand Management plan is proposed to reduce the overall number of vehicle trips generated by the Project, but “most of the recommended strategies for transit, bicycle and pedestrian access would be ineffective in light of the absence of alternative modes of transportation.”
- The “existing” 2021 traffic volumes cited in the Vanasse TIA increased from 388 to 610 trips per hour in Vanasse’s updated report, but there is no explanation. The baseline traffic volume is a critical component of evaluating the impact of the Project’s trip generation.
- The TIA identifies several off-site intersections where the “level of service” will deteriorate after the Project is built and occupied, including some that will decline from an “E” to an “F” (failing).
- The TIA recommends that a traffic signal warrant study be undertaken to evaluate off-site

infrastructure improvements, but the Applicant has not committed to fund the study, design, or implementation of any recommended off-site changes.

Your peer reviewer, Greg Lucas, commented during the hearing that the Project's parking space count was below the minimum requirements under the Zoning Bylaw (383 spaces). The Applicant, Geoff Engler, responded that the Project's parking ratio (1.78 spaces per unit) was higher than other similar projects he is developing, including one in Winchester. Mr. Engler's project in Winchester (416 Cambridge Street) is materially different from this project because it is not "auto-dependent." As Mr. Engler's own marketing materials state, the project is "directly across from the Horn Pond Plaza Retail Center and Whole Foods Market," and it is served by an MBTA bus providing service to Alewife station in Cambridge (red line). See, <https://www.strategiclandventures.com/416-cambridge-street-winchester-ma>.

Mr. Engler also repeatedly stressed that the Fire Chief approved the design of the Project's driveway, seemingly to suggest that the Board should not be concerned with it. Fire Department emergency response is just one concern raised by the extreme length of the proposed dead-end road, and the Board should hear from other points of view on whether it should waive the Town's maximum dead-end length regulation.

We were surprised to hear the consultant Ezra Glenn characterize the Project's traffic impacts as "marginal." In fact, Mr. Lucas's analysis indicates that there will be significant intersection operational impacts from the Project. For example, on page 7 of his letter, he notes that the northbound off-ramp from Route 128 turning left onto School Street will experience an increase in delays between the "no-build" and "build" conditions of **80 seconds** during the weekday peak morning hour, and **100 seconds** during the weekday peak evening hour. Respectfully, this is not a "marginal" impact.

2. Missing Soil Logs and Test Pit Data

The Applicant continues to hide its soil logs and test pit data for the Project Site. As was explained in John Chessia's letter dated October 25, 2021, this data provides the critical baseline for evaluating the Project's stormwater and wastewater systems' impacts on the hydrology of the Site, neighboring properties, wetland resources including Sawmill Brook, and the Town's Lincoln Street well. The logs will provide information on soil lithology and groundwater elevations across the Site, which are key variables in modeling such impacts. We respectfully request the Board to directly and unambiguously request the Applicant to provide this data, with its CAD files for the site plans and any hydrology model it has completed, such as MODFLOW, to the Board without any further delay.

3. Review of Waivers and Hearing Process

Mr. Engler made a comment during the hearing suggesting that the Board's review of his requested waivers from local bylaws and regulations should be done at the *end* of the public hearing, not now. We strongly disagree. Zoning boards reviewing Chapter 40B applications should continuously review and discuss a developer's waiver requests during the public hearing,

because the fundamental purpose of the hearing is to collect evidence, through peer review and public comments, to allow the Board to make educated decisions on waivers at the close of the hearing. Thus, when the Board tasks a peer reviewer to study a particular issue of concern, it is important that the Board receive input that will be useful in making those decisions.

Finally, the Board should be mindful of the limited of time it has to perform its functions. According to my calculations, the hearing must close no later than May 24, 2022. While this may seem like an eternity, the work remaining to be done is substantial and time consuming. You have appropriately identified the need to hire peer review consultants for civil engineering, environmental impacts (wetlands) and architecture, in addition to the traffic engineer you already retained. All of these experts will inevitably identify gaps in the Applicant's submittals (such as soil logs), which will require time for the Applicant to respond and supplement. The peer reviewers will also likely make comments on design deficiencies, to which the Applicant will likely respond with plan changes, which will require another round of peer review. We have been involved with many 40B projects that have seen multiple rounds of plan changes and review during the public hearing, each round taking at least several weeks.

On Wednesday I offered a proposed public hearing schedule to the Chair, laying out deadlines and expectations that the Board could adopt. The main objective is to ensure that the Board will have enough time before the May 24, 2022 deadline to collect the evidence it will need to make a defensible decision at the end. Contrary to Mr. Glenn's advice to you on January 12th, applicants do not happily grant extensions of the 180-day deadline, unless they are happy with the direction the Board is moving in its review of the application. The Board should never have to worry about pleasing an applicant in order to buy more time to finish its work. It should assume the worst and hope for the best, that is, plan for no extensions.

Thank you for your consideration.

Very truly yours,

/s/ Daniel C. Hill

Daniel C. Hill

Enc.

cc: Clients
Manchester Board of Selectmen
Manchester Planning Board
Manchester Conservation Commission