



OFFICE OF THE  
**PLANNING BOARD**

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

Zoom Meeting

<https://zoom.us/j/94261917491?pwd=U3QvMWdqRi9Yc1Z1dnQrNnI2cHdtZz09>

Meeting ID: 942 6191 7491

Passcode: 450214

Minutes of Planning Board Meeting – February 8, 2021 - Virtual

Present: Chairman Ron Mastrogiacomo; Members Loren Coons, Christine Delisio, Mary Foley, Gary Gilbert, Chris Olney, Gary Russell

Staff Present: Town Planner Sue Brown

Minutes: Helene Shaw-Kwasie

Chairman Mastrogiacomo called the meeting to order at 6:30 p.m.

Acknowledge receipt of correspondence.

Correspondence was received from Engineer Michael Court requesting withdrawal of the Town's application for Special Permit at Tucks Point.

Allow public comments on items not on the agenda with a limited time

Responding to an inquiry from Ms. Sheila Hill, Town Counsel Jon Witten said a citizen who attends a regular public meeting and submits a proposal to the Board is not obligated to disclose who worked on the proposal or attended the meeting with him.

Tuck's Point Special Permit (Withdrawal – Pike)

Harbormaster Bion Pike appeared before the Board. He said the Town is proposing to replace the condemned section of the Tuck's Point facility and permit the floats to come in compliance with the State permitting requirements. The applicant has asked to withdraw its application for Special Permit because it is not necessary for a facility owned by a municipality.

Upon motion made by Mr. Russell and seconded by Mr. Coons, it was unanimously VOTED by roll call vote to accept the request of the applicant to withdraw its application for Special Permit for Tuck's Point Public Access Dock Facility Restoration and Improvement inasmuch it is not required as it is a Town-owned facility.

Discuss reinstating disbanded LCD Study Group (Delisio)

Mmes. Delisio and Foley requested that the LCD Study Group be reinstated and reorganized as it was previously created.

Mr. Russell recommended that the Board focus on its work with the 40R and use that information to find out what is missing, and then do a full study when the Board understands what the missing pieces are.

Motion was made by Mrs. Delisio and seconded by Mrs. Foley to reorganize the LCD Study Group as it was previously created. The Board voted by roll call vote with Mmes. Foley and Delisio voting in favor and Messrs. Russell, Olney, Gilbert, Coons and Mastrogiacono voting in opposition. The motion did not pass.

LCD Smart Growth Overlay District Study (Next Steps – Brown)

Town Planner Brown noted that there will be a public forum to concentrate on commercial development and the concept plans that land owners would like to put forward. The 40R work is creating suggested regulations for Plan B to change the underlying zoning in the LCD

Town Planner Report (Brown)

Town Planner Brown discussed her report entitled Planners Report, Project Updates on the following topics:

- Housing Opportunity – MAHT sites and DPW
- 40R Smart Growth Overlay District Vision, Regulations and Application
- Open Space and Recreation Plan Update
- Open Space and Recreation Plan Committee continues to work with Consultant to advance the Plan.
- Western Woods Preservation
- ADA Project Funding Grant
- Wastewater Treatment Feasibility Study
- Housing Production Plan Update
- Local Initiative Project (Friendly 40B) Application
- Local Rapid Recover Grant

Discussion of Minutes (Level of Detail)

Mrs. Foley said that the Attorney General clearly states that the Open Meeting Law pertains to meeting minutes.

Town Counsel Witten said that the AG guidance has been very consistent on minutes. The Board must identify who is present, the agenda items and the votes that were taken. It is not set as to the level of detail as to the discussions that took place. The minutes capture what took place. A vote must tell the names of the Board members present and the dissenting vote.

There is a distinction between bare and verbatim minutes. It is up to the Board to determine that middle ground. The Board might want to have more detail in certain subject areas. For the garden variety matters the minutes do not need to have that level of detail. The Board must

direct the secretary. It is entirely subjective. If the Board requires very detailed minutes the problem becomes that of an omission. When the Board wants to have more detail is that up to a majority vote of the Board or the Chairman?

Responding to Mrs. Foley who said the AG said there must be a substantive discussion of the topics, Mr. Witten said that when there is a controversial matter, use 53G funds and hire a stenographer. The meetings are recorded. There is always the ability to transcribe that recording. He does not agree that the Board is required to put down everyone's opinion on every matter; those back and forth debates are not required. The Board can record meetings and send out to stenographer. The Board cannot ask the applicant to pay later. He recommended more details for a public hearing and more cursory for administrative matters. The Chair could bold the agenda items that he wants more details.

Mr. Mastrogiacomo suggested short minutes with ad hoc for certain subjects; have the abbreviated minutes for most items except anything that the Board deems controversial or sensitive.

Mr. Gilbert supports not documenting opinions.

Mr. Witten said recordings do not have to be kept at all after the minutes are written, except the Zoom recordings.

Town Planner Brown will contact Ms. Marletta about providing a link for saving minutes.

Mr. Coons said to keep the minutes the way that we have been doing them for the past 15 years.

Upon motion made by Mr. Mastrogiacomo and seconded by Mr. Russell, it was voted by roll call vote to keep administrative minutes brief with more details for anything that is significant such as applications and public hearings. By roll call vote the motion passed by a vote of 6 to 1 with Mrs. Delisio and Messrs. Russell, Olney, Gilbert, Coons and Mastrogiacomo voting in the affirmative and Mrs. Foley voting in the opposition.

Approval of Regular Meeting Minutes: Jan. 11, 2021, Jan. 25, 2021

Members were presented with two versions of detail in minutes of January 11, 2021, one was streamlined and the other more detailed. Upon motion made by Mr. Russell and seconded by Mr. Olney it was unanimously voted by roll call vote with all members voting in the affirmative to approve the streamlined version of the minutes of January 11, 2021.

Upon motion made by Mr. Russell and seconded by Mr. Olney, it was unanimously voted by roll call vote with all members voting in the affirmative to approve the minutes of January 25, 2021 as submitted.

Recap of Zoning Public Forum (Mastrogiacomo)

Mr. Mastrogiacomo reported on the Zoning Public Forum., the purpose of which was to solicit comments from the public.

Mr. Gilbert said the ADU study group will submit a letter to the Planning Board to change language. He will draft an article on Earth Removal and Non-Conforming uses for the Board to review on March 8 before submitting to the Cricket.

Mr. Olney said he was on the accessory ADU working group and talked about the number of units and the town's charm relative to zoning. He said he had written a prelude to the proposed curb cut bylaw. He will write an article on Curb Cuts and ADU for the Board to look at on February 22 at before submitting to the Cricket.

Mrs. Delisio said we need a write up of the reasoning and rationale as to why certain things are done.

Mr. Russell said the point of a public forum is to gather feedback from the public. We need to have our own introduction. Data is only useful if it helps to get to the answer that is needed and is helpful. We need community support of what we propose.

Recodification Schedule/Process Going Forward (Brown)

Town Planner Brown will reach out to Mr. Bobrowski about his schedule for March.

Subcommittee and Liaison Updates

Mr. Mastrogiacomo reported that the CPC Master Plan Subcommittee had met and worked on the CPC Master Plan and will meet again on March 4<sup>th</sup>.

Mrs. Delisio reported that the Policies and Procedures are going slowly.

Schedule of Upcoming PB meeting: Feb 22, Mar 8, Mar 22

E-mails (SharePoint) Status

Mr. Mastrogiacomo said Board members need to start shifting to their Town email accounts. Ms. Brown will ask Sandra Network, the Town's IT contractor, to send the necessary information to everyone.

Agenda Items for Next Meeting Discussion

The Board thanked Mr. Witten for attending.

There being no further discussion and upon motion made by Mr. Olney and seconded by Mr. Coons, it was unanimously VOTED by roll call vote to adjourn. Adjourned at 8:45 p.m.

Submitted,

Approved by the Board on

Helene Shaw-Kwasie  
Secretary

Mary Foley  
Clerk

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

**Relevant Documents:**

Minutes of January 11 and January 25, 2021

Request for Withdrawal of Tuck's Point Special Permit application

Town Planner Report