



MANCHESTER-BY-THE-SEA

PLANNING BOARD • TOWN HALL
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MINUTES OF THE PLANNING BOARD

February 14, 2022 6:30p.m. Virtual Meeting

Join Zoom Meeting,

MEMBERS PRESENT: Ron Mastrogiacomo, Chair, Sarah Creighton, Mary Foley, Chris Olney, Mary Foley, Gary Gilbert, Laura Tenny

MEMBERS NOT PRESENT:

STAFF PRESENT: Planning Board Clerk, Sharon George, Town Engineer, Nate Desrosiers

GUESTS:

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

Correspondence:

Email from Jack Burke on Zoning Changes

Legal Notice from Town of Hamilton- Chebacco Hill Peer Review of Blasting

Two letters from L Iovanni: Threat to Water Supply, Comments on Cell Signalling – LCD process

Ms. Foley requested a process for reviewing zoning comments received. The Board discussed responsibilities and processes for reviewing and responding to public comments.

Public Comments on Items Not on the Agenda: None

Public Hearing: Curb Cut 9 Lincoln Ave.

Brian Stein, BDS Design, said a renovation has been completed. The owner's daughter is in a wheelchair and gets picked up and dropped off by school van, and they would like to do a turnaround in the yard. The applicant is asking for the second curb cut to accommodate the pick up and drop off. The current driveway has a pretty tight radius. We propose a gentler cut. Mr. Mastrogiacomo asked about the driveway surface material. Mr. Stein noted that it is pervious and will have a strip of grass alongside it to catch runoff.

Mr. Gilbert stated new proposed rules require no more than 2 curb cuts, but questions the 2nd curb here given the small lot. He noted he would discourage this additional curb cut due to pedestrian realm safety.

Ms. Foley asked about for an explanation of where the three parking spots would be and clarify the dis.

Mr. Stein noted:

- There is a single parking space in the garage with accommodations for two cars in the driveway.
- The distance between the curb cuts is 35’.
- Lincoln Ave is pretty quiet but a busy street.
- Van coming and going twice per day for pickup with back up alarms each time
- Prefers driving into the street rather than backing up into the street which is dangerous.
- A neighbor asked to not have a wider curb cut.
- A second curb is necessary.

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Mr. Olney stated that he would agree with Mr. Gilbert. He noted that the new zoning the Board are looking to pass includes a “reasonable accommodation” section which accounts for this type of exception. He is not going to deny the daughter to have her handicapped van twice per day.

Mr. Tenny agrees with what has been said. She noted it is a pervious area with pea stone. Mr. Gilbert mentioned a hammerhead turnaround. Ms. Tenny asked if that was possible? Mr. Stein stated a hammerhead turnaround was reviewed and found it wouldn’t solve the problem.

Ms. Creighton agrees with Mr. Olney that pulling out face forward rather than backing up is the best solution for safety. She questioned if two cars could reasonably be accommodated without widening the driveway. They have tried to accommodate many things.

Ms. Creighton said the proposed driveway is already gravel and asked for confirmation that the sidewalk will remain bituminous. Mr. Stein confirmed he would replace the sidewalk in kind.

Mr. Stein stated there is confusion with the Town on the curb cut process. He wanted to mention there is no ability to do a curb cut application online.

Mr. Mastrogiamo stated that the Board usually has a site visit and then comes back to discuss findings at a subsequent meeting. Discussion ensued whether to have a full board site visit or each board member simply go their own. The decision was made that each board member would go on their own.

Sheila Doherty, 7 Lincoln Ave, stated that Lincoln Ave has had increase in traffic. There is a lot of on street parking on the grass.

Ms. Delisio is an abutter, and she would like to speak as an abutter. The Chair did not recognize her request.

MOTION: On motion of Ms. Creighton, seconded by Mr. Olney, the Planning Board voted by Roll Call to 5 in favor 0 opposed (1 absent, 1 recused-Ms. Delisio) to approve the Curb Cut at 9 Lincoln Avenue with the following condition:

1. For pedestrian safety, the area of the sidewalk that is raised needs to be repaved to meet MAAB accessibility standards at the applicant's expense.

Continued Public Hearing - Cornerstone Church:

Alden Drake stated that he and Mr. Quinn of Allen and Majors have exhibits to discuss the parking.

Mr. Quinn stated he put together 4 exhibits of the driveway and Church. The exhibits show the turning movements of a 19 feet long vehicle. Exhibits show cars coming and going from the highway, coming in and out of Mill Street and coming to and from the Village. The exhibits show there are no conflicts with traffic. The exhibits were provided to Nate Desrosiers of the DPW.

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Mr. Drake stated that most sites have vehicles coming in two directions. He stated the single driveway at Mill Street was not perfect. There is question of Town versus State jurisdiction with regard to the School Street access and any change in the State right of way. Mr. Drake acknowledges they may need to get a permit from the State.

Nate Desrosiers, Town Engineer, stated he asked for a base file. He noted it was within town jurisdiction. He noted he is not a traffic engineer but some things he would be concerned with would revolve around larger events such as funerals or weddings. Fire: on the Mill St. entrance the fire truck exceeded the entrance radius.

Mr. Quinn stated he did create a firetruck turning study and showed minimum outside radius of 20 inside and 25 feet outside. Mr. Desrosiers stated he is looking at the 1/19 plans. Mr. Quinn said he saw what Nate was talking about.

Mr. Quinn stated he will adjust the plan to make sure the firetruck turning movements work.

Board Comments:

Ms. Creighton noted that she thought School St was just an entrance. Mr. Drake stated it was proposed as going both ways. Ms. Creighton said if two curb cuts are built, it doesn't preclude

future changes if how they operate. She added that her primary concern is the potential for conflicts on Mill Street due to poor site lines.. Mr. Drake stated all the underbrush was cut which opened the site lines. Flashing lights when traffic is exiting is possible.

Ms. Delisio stated possibly a peer review would be appropriate.

Ms. Foley stated her concern is Mill Street.

Mr. Gilbert stated he would like to see the School Street driveway moved a bit south and the Board should be more specific on the signs the Board wants.

Mr. Olney stated he agrees with everyone. He asked if we could get one traffic question answered through a peer review and suggested the question would be on the safety of the Mill St. driveway.

Ms. Tenny asked if the curb cut is under state jurisdiction. Mr. Desrosiers stated the base plan will help to clarify. She stated she would agree with Mr. Olney but would add the question of the School Street driveway She said she would not want to see a flashing light in a rural area.

Mr. Mastrogiacomo stated he received a letter from an abutter regarding drainage. Nate Desrosiers stated one concern he had was drainage at the top part of the site. He noted the emergency overflow structure is close to the adjacent neighbor's yard.

Mr. Mastrogiacomo stated this information needs to go out to other boards.

Ms. Foley asked if there was a stormwater drainage report done. The applicant confirmed one was submitted.

Ms. Creighton asked if there is a final grading plan and whether the calculations reflect the new grade for the open air structure. Mr. Drake stated the stormwater drainage report was updated and it has been included in the drainage report. Mr. Creighton asked about handicapped access and accommodations. Mr. Quinn stated they are required to meet all ADA requirements.

Ms. Tenny asked if the grading forms and the screening could be a little more naturalistic. Mr. Quinn stated there is an existing row of arborvitae. Mr. Drake stated the neighbor, the Parkhursts said the first 4 are on the abutting property and the other 14 are on the Church property. Ms. Tenny asked if the slopes could be relaxed. Mr. Drake said they have an active children's programs that need a grassy space. Mr. Quinn stated they could make some improvements.

MOTION: It was moved and seconded and voted by Roll Call unanimously to continue Cornerstone Church public hearing to the meeting of 3/14/22 at 7 PM.

Doggie Depot, in the LCD

Joel Taylor, property at 156 School St., stated the property is nonconforming in the LCD. Mr. Taylor said he would like to obtain information on what kinds of uses could go in the LCD. He continued that he would like to eventually put a doggie daycare in the LCD. He has no plan currently.

Ms. Tenny stated she does not feel she has enough information.

Mr. Olney stated it is a nonconforming use and he is not changing the use, but just creating a building.

Mr. Taylor said he is at 2.5 acres and the minimum is 5 acres. He noted there is only a dog park.

Mr. Gilbert asked if more documentation regarding the original permit or variance could be given to the Board.

Ms. Foley said she would look for more information.

Ms. Delisio needs more information.

Ms. Creighton stated there are proposed changes to height requirements and setbacks with a special permit. Proposed language currently does not allow a decrease in the lot size. She is sure that lot size changes are not in the scope of changes proposed for the next Town Meeting.

Mr. Taylor stated there are no utilities on the site. Water is brought up daily.

ANR Review: 6 Greenbrier Road

The Applicant is not in attendance.

Mr. Gilbert said he viewed the plan, and they are adding the parcel A to existing lot 7. Mr. Gilbert recommended endorsement of the Plan.

Mr. Mastrogiacono asked the board if this could be voted.

The Board agreed they needed more information and clarification of the information they have received.

Adequacy of common driveway to provide access for ANR division of land School Street, Deborah Coulter, stated there are two lots and there needs to be a determination of adequacy of common driveway. She said the Plan shows a driveway that would be going through wetlands. This would require a wetland replication which they have land to do. They would prefer however to do a common drive instead.

Mr. Gilbert stated adequacy of common driveway is based on section 5.1. He spoke with the Building Inspector about the two lots. According to the Building Inspector lot 2 does not exist. Ms. Coulter stated she would like an opinion for the common driveway. Mr. Gilbert suggested the Board to not provide an opinion since the lot the driveway is proposed on does not exist. He further requested permission to speak with legal counsel about ANR's.

Ms. Creighton stated the right question is whether this is an ANR. She agrees with Mr. Gilbert that it would be helpful to understand if access through wetlands is allowable, in order to create a lot through and ANR. She stated a common driveway would be the lesser of two options. Ms. Coulter stated that section 5.1 noted information of impractical vehicle access. She stated the layout could be changed. She is looking for the Board's guidance. Mr. Gilbert stated he feels this is a back-door way of subdividing two lots and prefers to rely on Town Counsel's opinion.

Ms. Delisio stated the request for a legal opinion should be put in writing and the response should be kept with the file.

Ms. Foley stated she agrees with a written legal opinion from Town Counsel.

Ms. Delisio stated this has been before the Board before and wants information on previous applications.

Mr. Mastrogiacomo asked Mr. Gilbert to work with Sarah to draft the ANR question to Town Counsel.

LCD Zoning Changes: Nothing to report.

Recodification: Ms. Creighton stated there would be a workshop on Monday, March 7th.

Planner's Report: Will be presented next month.

Subcommittee reports:

Community Preservation Committee has given a list of projects recommended for CPA funding to the BOS as part of the budget approval process.

Water Resource Protection Task Force will have its first meeting on 2/16.

Mr. Olney stated that Sarah Mellish asked him to assist with review of Peer Review reports with Laura's assistance.

Approval of Minutes

11/22/21 Minutes – Accepted.

12/13/2021 Accepted with amendments.

1/10/2021 Minutes – Placed on 2/28/22 agenda for approval.

1/19 Minutes accepted as amended.

Approval of Decision 94 Bridge Street: Draft has been approved, but dates need to be corrected.

Language for peer review: peer review by competent traffic engineer to be approved by the Chair to evaluate and make recommendations for: two proposed curb cuts at the Cornerstone Church site: School Street and Mill Street - both ways, site lines from 128 on and off ramps, any proposed mitigation. Ms. Creighton stated she will speak with the Police Chief again. She said he had concerns but didn't offer any solutions. Language had Board consensus.

Other:

Article for Cricket as shared by Gary will be submitted. He will add language about where to find proposed changes on the Zoning website.

The Board further discussed logistics of upcoming meetings, use of Town Counsel, and Conflict of Interest questions.

Adjournment: It was moved and seconded to adjourn the meeting. Voted by Roll Call unanimously.

Respectfully submitted,

Sharon George

Amended by Sue Brown

These minutes were approved on 4/11/2022 pending amendments and approved as amended by Sue Brown on July 27, 2022.