



# MANCHESTER-BY-THE-SEA

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PLANNING BOARD • TOWN HALL  
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## MINUTES OF THE PLANNING BOARD

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February 28, 2022, 6:30p.m. Virtual Meeting

Join Zoom Meeting, Meeting: **Meeting ID: 890 1520 5215 Passcode: 515064**

**MEMBERS PRESENT:** Ron Mastrogiacomo, Chair, Sarah Creighton, Chris Olney, Gary Gilbert Laura Tenny and Ms. Delisio – Attendance taken by ROLL CALL vote.

**MEMBERS NOT PRESENT:** Mary Foley

**BOARD OF SELECTMEN:** Becky Jacques

**STAFF PRESENT:** Town Planner, Sue Brown and Planning Board Clerk, Sharon George

**GUESTS:**

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**Call to Order:** The Chair called the meeting to order and stated the meeting was being recorded.

**Correspondence:**

1. City of Gloucester – Public Hearing notice
2. Town of Wenham – Notice of Certificate of Action
3. Town of Wenham – Notice of Decision – Approved Special Permit
4. Town of Wenham – Notice of Decision – Approved Special Permit
5. L. Iovanni – Financial Scoring

**Public Comment:**

Sandy Rogers asked if this meeting was advertised. Ms. Creighton stated it was advertised in the Cricket for two consecutive weeks.

**ANR 6 Greenbrier Rd**

MOTION: It was moved and seconded and voted by Roll Call unanimously to continue the ANR for 6 Greenbrier Rd until the meeting of 3/14/22.

**Curb Cut – 9 Lincoln St.**

The Chair stated Board members did site visits on their own.

Ms. Creighton stated we should ask if there are public comments. There were no public comments.

Ms. Tenny stated she viewed the site and the slope of the existing sidewalk for a few inches higher than where the curb cut is going. She said adjacent to the area there is an island, and it is creating a little bit of a hump there. Travel is more difficult for pedestrians. This area needs to be smoothed out.

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, Foley 1 recused-Delisio) to approve the curb cut at 9 Lincoln Ave, with the condition of smoothing out the sidewalk to the curb cut for safety of pedestrians.

### **Blasting Regulations:**

Ms. Brown stated she incorporated the Town of Shelbourne blasting regulations given to her by Ms. Delisio. The only thing to change would be notice to abutters. She continued that she passed on the regulations to the BOH. The BOH would be required to have a chemical composition sheets. She said the next step for the Board is to make changes or accept as the regulations.

Ms. Tenny stated she has concern for the abutters getting a notification.

Ms. Creighton stated she would like to review the blasting regulations further. She continued everything else looks good. She said abutters could have their insurance agent do a foundation analysis. Lastly, she said the high school had blasting and the company paid for the review of foundations. Specifically, we need to prevent chemical contamination.

Ms. Brown said generally the State does an adequate job in their regulations. What we are trying to do is get the information out to people.

Ms. Olney asked if percolate was already banned by the State. He asked residents test their drinking water.

Ms. Delisio said we need to be considerate of the wells.

Ms. Tenny said she thinks we should not be giving dimensional requirements. She said we need not be giving a professional opinion.

The Chair asked if the Board would like time to review the regulations, possibly get a professional opinion. This item will be placed back on the agenda for 3/14/22.

### **PUBLIC HEARING**

The Chair introduced how the public comment would take place. He explained the guidelines of civility.

The Chair stated the Board has been approached by a biolaboratory company to propose modified zoning changes in the limited commercial district.

MOTION: It was moved and seconded by Roll Call 6 in favor 0 opposed to open the public hearing.

Gary Gilbert will give the presentation. Mr. Gilbert showed a map on zoom of Pine Street where we allow certain land uses. The background is the Town needs more revenue. There were 16 capital plans discussed in the Master Plan from infrastructure needs, town facilities, sewer and water improvements. The allowed uses require a site plan approval such as the doctors building on School Street. In existing law, they need site plan approval as well special permit. There would be land uses not allowed such as

residential or gas stations. During the Special permitting process, the Planning Board will have the right to review every

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aspect of the project. The Board sends out applications for special permits to other Boards and Committees for recommendations. The Board would hire a third-party expert if needed.

Summary:

- Adding the additional area where labs could be allowed east of School St
- Allow increased building height and room for mechanical equipment on the roof.
- Decrease lot width. Right now, lot widths are quite wide at 500 feet.
- Allows flexibility with setbacks and setback requirements for parking

At this point in the meeting Ms. Creighton stated there was a problem with the Zoom link and a few people were not getting into the meeting. 33 people were now on the zoom meeting.

Mr. Gilbert in the uses above section 4.4.6 refers to what we allow with site plan review and special permit. One of the problems with bylaws is redundancy.

Mr. Gilbert said the modification would allow the height to go to 55 feet. Section 5.7: delete the 500 feet to 40-60 percent. Setbacks from the property lines of 150 feet.

Sandy Rogers, 82 Old Essex Road, said these changes are put forth for the spring town meeting. She stated this affects our watershed and environment. She asked if a study has been done. She continued asking if parts of the LCD could be very sensitive. She wants to know what has been done by the Board about the traffic. She said this is being pushed through and more studies should be done. What can the infrastructure handle? The heights could exceed the height of route 128. She feels this is being pushed through very quickly. More studies need to be performed regarding traffic.

Ms. Creighton stated this is a change in regulations, not on a specific project. She said the higher height is a way to reduce impervious coverage. You build up to reduce development footprint. There is no project in front of the Board. The Board for many years articulated the need for better use of this area. The area is in the Zone 3 watershed area.

Jeffrey Bodman-Turner, Chair of BOS asked about a clarification change in the setbacks and lot coverage if this reduction is only included under special permits. He said his second question is regarding deleting parts of the bylaw. When you delete certain parts, the residents may not know why this is being deleted.

Mr. Gilbert stated the lot coverage and setbacks may be reduced by special permit by the Planning Board. He said the applicant is responsible for getting the appropriate information and that can be accomplished by going to the Building Inspector.

Ms. Creighton said that independent of LCD changes there was a great deal of redundancy in the current bylaw. She said we will show people where it is redundant.

Su Mittermaier, 38 Sea St said that she hopes this will not eliminate any of the trees along 128. Is there anything in place to keep the trees? Ms. Creighton stated that is an important resource. Mr. Gilbert said there is a setback of 200 feet, and they would not deviate from that. Ms. Tenny said the Board does recognize this area as important and the Board will talk about this further.

Ms. Rogers said there was one section about annual testing that should be retained in the bylaws. Ms. Creighton said it was a report not a testing. She said the Planning Board does not have experts and that it was already covered. Mr. Gilbert stated the MAC is reporting to the State. He said there are many agencies that need to provide review such as the Conservation Commission, etc.

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Becky Jaques, Board of Selectmen, stated she understands how some people feel that this has been sprung on the public.

MOTION: It was moved and seconded to continue the public hearing on the LCD bylaw changes by Roll Call 5 in favor 0 opposed.

### **Planner's Report**

Ms. Brown stated the Open Space and Recreation Committee is working on finalizing the OSRP. ADA plan was evaluated, and all active spaces were assessed, the OSRC needs to complete ADA assessment of Conservation lands with facilities such as parking. Regarding the Downtown Parking Study, she is looking to invite Downtown Improvement Committee to take part.

Mr. Mastrogiacomo asked about the budget. Ms. Brown said it is for \$20,000 for the Parking Study.

Ms. Creighton stated she spoke to Greg about a budget for Town Counsel.

### **Recodification**

Ms. Creighton said we need to review the documents and then get them up on the website. She has scheduled 2 public hearings. She wants to hold a meeting next Monday for zoning changes.

Ms. Gilbert said that we should get a draft of the changes out to the public. He said there has always been a budget for Town Counsel.

Ms. Brown said the Board has a professional services line item we could use for Town Counsel. She said there is a meeting next Monday with the Board of Selectmen.

### **Subcommittee and liaison**

Mr. Mastrogiacomo stated the Water Resource Task Force has met and the DPW stated they would take the Committee to tour the water treatment plant.

Mr. Mastrogiacomo stated each Board will be able to decide soon for hybrid meetings.

Ann Harrison, Board of Selectmen stated the policy for hybrid meetings will be to include Board members, applicants but not the general public. She said we will still require zoom.

Discussion ensued about having a policy regarding a reasonable judgement.

Ms. Creighton stated that any use of Town Counsel would be through the BOS. Mr. Bodman-Turner stated there is a policy that would need to be a modified to use the funds.

Approval of Minutes

Minutes of Meeting 1/10/22

MOTION: It was moved and second by Roll Call vote to accept the minutes of 1/10/22 as amended.

Ms. Creighton emailed a request to be allowed to use town counsel with notice to chair of BOS and TA.

Ms. Delisio asked if we could have an amount used for Town Counsel.

Ms. Tenny said if we had an annual number, that is modest, we will be using the professional services as needed.

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Ms. Creighton said we need timely advice due to the timelines. She said we have no way of knowing what is coming up.

Mr. Bodman-Turner will make sure this gets on the agenda for next Monday.

Ms. Jaques said prior to the Town Planner the Board did have a budget.

MOTION: It was moved and seconded by Roll Call vote 6 in favor 0 opposed to make a request in the amount of \$10,000 for Planning Board Legal Services.

Ms. Harrison said to ask the Town Accountant for past legal expenditures.

Ms. Tenny said back to the LCD and the controls over development that we want. She said there was discussion of guidelines as a second leg to the stool regarding scenic overlay. Design guidelines for the LCD. Ms. Brown said there are draft guidelines, and we can comb through those.

Adjourn: It was moved and seconded and voted by Roll Call unanimously to adjourn the meeting.

Submitted by:

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.