



MANCHESTER-BY-THE-SEA

PLANNING BOARD • TOWN HALL
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MINUTES OF THE PLANNING BOARD

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

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

MEMBERS NOT PRESENT: none

SELECT BOARD: Becky Jacques, Anne Harrison

STAFF PRESENT: Town Planner - Sue Brown, Planning Board Clerk - Sharon George, Town Administrator - Greg Federspiel

GUESTS:

Mr. Mastrogiacomo called the Planning Board meeting to order at 6:30. Mr. Mastrogiacomo informed listeners the meeting was being recorded.

- **Correspondence**

The Board acknowledged receipt of correspondence

L. Iovanni (3/17) Request for Data

L. Iovanni (3/21) 40 A MBTA Communities

L. Iovanni (3/23) Front Page GDT on 40

Town of Essex-Zoning Board of Appeals-3/31/2022

Town of Essex- Zoning Board of Appeals-4/14/22

- **Public Comment** – Following a question about notifications of hearings, Sharon confirmed she will place Public Hearing notices sent by the Board to others as required in the meeting folders.

- **ANR 6 Greenbrier Road – Continued from March 14 (David and Dianne Koeplin)**

Matt McGee of Hancock Surveyor spoke on behalf of the applicant. He noted that he had spoke with Mr. Orlando regarding replacing existing paved driveway with pervious pavers.

The Board discussed whether the issue of impervious surfaces should be considered as criteria for endorsement of an ANR.

Gary Gilbert recommended the board must act based on dimensional requirements and frontage. The pervious surface may or may not be an issue and is not the Planning Board's jurisdiction. Sarah Creighton agreed.

Christina Delisio feels strongly that the lot coverage will exceed that required by zoning and she would like town counsel to opine on whether this can be considered when deciding on whether to endorse and ANR. She questioned whether ANR's are allowed in Zone 3 of the Water Resource Protection District.

Mr. Olney agreed with Mr. Gilbert and Ms. Creighton, and added that the Board should and has warned the Applicant that by dividing the lot, he may be creating a non-conformity and so does so at his own peril, understanding that there may be enforcement consequences.

Motion:

Ms. Creighton moved and Mr. Gilbert seconded to endorse ANR #827 for 6 Greenbrier Rd, 114 and 116 Pleasant Street - Plan dated 1/24/22 at a scale of 1" = 20'. The motion passed with 4 yes votes, 1 no vote and 2 abstaining.

- **9 Harold St Curb Cut**

Remko Breuker presented the plan and responded to comments made at the site walk.

Thomas Chafe, property owner, also spoke about the reasons that they would like a second curb cut.

Discussion ensued regarding sight lines, desire generally for a single curb cut, keeping records of why exceptions are made to the single curb cut preference, and more narrow curb cuts.

Motion:

Mr. Olney moved and Ms. Creighton seconded a motion to approve the Curb Cut at 9 Harold Street, provided both curb cuts are no more than 12' in width. The motion passed with 5 yes votes, 1 no vote and 1 abstaining.

Applicant was advised to submit a revised plan showing the 12' widths as approved.

- **Public Hearing – Proposed changes to LCD Zoning**

Ron announced the hearing for modification to LCD zoning.

1) To amend Section 4.4.6 to expand the areas within the Limited Commercial District (LCD) that allow laboratory uses, by special permit only, to include the area east of School St;

2) To remove redundant language concerning special permits for uses in the LCD and use the general special permit language.

3) To amend Section 5.5 to allow greater building height for commercial buildings in the LCD;

4) To amend Sections 5.7.1, 2 and 3 to make changes to the lot width, lot coverage, and setback requirements within the LCD.

Ms Creighton moved to open hearing, Mr. Gilbert seconded. The Board unanimously approved opening the public meeting by roll call vote.

Sarah noticed that previous public meeting on this issue received public comments and those are still considered testimony and will be considered by the Board.

Mr. Gilbert presented a map of the LCD as well as images of existing conditions of the eastern side of the LCD. He provided a timeline related to proposed changes.

Mr. Gilbert outlined the need for revenue that could come from Development supported by changes to LCD Zoning.

Mr. Gilbert also outlined differences between “by right” vs Uses by Special Permit and noted reasons why Special Permits could be denied which included inappropriate siting of buildings and inability to mitigate environmental, traffic, public safety or fiscal impacts.

Mr. Gilbert summarized by-law changes:

- Increase the area of the LCD where lab uses would be allowed

- Increase commercial building heights

- Increase allowable height for rooftop mechanical equipment

- Decrease restrictive requirements for lot width, and impervious cover

- Allow flexibility for setback from property lines and route 128

Ms. Creighton noted the Board does not have an application for a Project in the LCD at this time.

She also noted that Town Counsel has advised that the change would not impact proceedings for the current 40B project.

Public Comments

Peter Crabtree, 9 Windermere Park

- Area can help town meet Master Plan goals including revenue generation.

- Challenging to create a residential neighborhood in this area – residents may seem disconnected.

- Corporate campus such as Cell Signalling would be revenue positive.

Developing the site would be better for the environment than the ongoing earth work/resource extraction. New development would follow Best Management Practices and would be overseen by the Conservation Commission where appropriate.

Bringing in a corporate campus will support the downtown shops.

Location can be designed so Development is screened.

Supports change in zoning to facilitate development

Sandy Rogers, 22 old Essex Road

Concerned the scope has extended beyond pine and school – against this.

Concerned with height increase as it is for LCD in general for any commercial development and not just lab facilities

The increase in allowable impervious surfaces is excessive.

Would like to assure better site design

Would like to know about overlay districts

Denny Hall, 20 Masconomo Street

We need additional tax revenue. Beverly has lowered their tax rate by bringing in commercial revenue. We need to balance and mitigate this. We need to consider this Zoning Change to allow the Town to increase the commercial tax base.

George Davis, Woodholm Road

Generally feels positive about this.

The topography in this area includes some high ground in the LCD. Building height on top of the highest point on the site would be of concern. He suggests that the elevation of the highest point of the building rather than height might be the regulation.

Would oppose supporting development between Pine and School street

Would appreciate noise and light guidelines.

Mark Weld, 15 School Street and member of Finance Committee

Not speaking to advocate for or oppose, but to ask that with any zoning change, the potential impacts be evaluated by a consultant. Traffic utilities, public assets, financial impacts on the town.

Shelia Hill, 2 Running Ridge Road

It was inappropriate to discourage questions

Lorraine Iovanni, 20A Pine Street

If final height of building with rooftop additions approaches 150-200 feet it may interfere with flight path to Beverly Airport and may need FAA approval. There are regulations on interference with air craft safety

Sandy Rogers, 22 Old Essex Road

The height restrictions will apply to any commercial building in the LCD and not just to the Labs.

Sarah Mellish, 11 Bennet Street

Concerned if including changes for the west side of School Street. This is an environmentally sensitive area. The site requires blasting in order to develop.

With no further requests to speak, Ms. Creighton moved to close the public hearing. Olney seconded. The Board voted unanimously (7-0) by roll call to end the public comment period of the public hearing.

Board Comments:

Discussion regarding land west of School: The Public and the Board support restricting the proposed changes to land only east of School Street or east of School Street and west of Pine Street.

Some expressed concerns regarding building on high elevations.

The Board discussed the potential for financial impacts including for providing water and sewer to the arean. Mr. Federsiel opined that most costs would likely be born by the developer, but that it may be in the town's interest to partner on some projects.

Site Plan Review criteria including a number of performance requirements allow the Board an opportunity to guide development through the special permit process as well as to require community impact studies.

The Board discussed deletion of sections of the existing LCD bylaw that are redundant with Special Permit conditions.

The Board also discussed stormwater and special permit conditions, and impervious surface requirements on large developments.

Motions for changes to March 14 draft of Article

The Board agreed to the following changes:

- 1) strike between Pine and School Street (Section 4.4.6) (Sarah moved, Gary seconded– roll call vote 7-0)
- 2) Regarding height: make the following changes
 - a. 35’ height in General and Residential Districts and the area of the LCD west of School Street
 - b. 55’ height in the area of the LCD east of School Street (Sarah moved, Gary seconded – roll call vote 7-0)

Motion:

Ms. Creighton made a motion to submit the LCD articles as amended on March 28th to the BOS for April 25 Town Meeting with the Board’s Recommendation for approval. Ms. Delisio seconded the motion and the motion passed unanimously (7-0) by roll call vote.

Mr. Federspiel recommended minutes reflect the reason for restricting the height limit to the east of School Street is the unique and sensitive environment of the area.

Next Steps

Ms. Creighton recommended a workshop Monday, April 4th to discuss Section 4, Senior Housing Bylaw and sections to be moved to the General Bylaws.

Mr. Olney noted he has created a memo comparing existing cluster regulations with proposed regulations that he hopes will be helpful.

The Board discussed tracking changes and finalizing changes well in advance of meetings, and scheduling meetings to minimize conflicts with Board of Selectmen meetings.

Mr. Gilbert noted that a revised ADU draft could also be discussed at Monday’s meeting.

- **Draft Letter from Town to State regarding MBTA Communities Legislation**

Mr. Mastrogiacomo reported that the BOS will meet Tuesday morning to discuss the draft letter to the State. The Planning Board can choose to co-sign the letter, write their own or take no official action.

The Board discussed the strengths and weaknesses of the letter.

Motion:

Ms. Creighton made a motion and Mr. Gilbert seconded to co-sign the letter, as the Board of Selectmen may amend with Planning Board recommendations to be submitted. The motion passed with 5 yes votes and 2 no votes.

- **Committee and Liaison Updates**

Mr. Mastrogiacomo reported that the Water Resource Protection Task Force would be hosting a tour of the Water Treatment Plan on March 30th.

- **Minutes**

Minutes from Oct and Nov have been sent to the Clerk for Posting

Sarah moved to approve Minutes of 2/8 as amended – others were not ready. The Board decided to approve at the next meeting.

Gail Hunter will take minutes as of Monday. Sharon will remain the PB Administrator.

Ron discussed the option for Hybrid Meetings and training that will be offered. Ron recommended remaining remote until after Town Meeting.

The Board voted unanimously to adjourn at 9:50

Submitted by Sue Brown

These minutes were approved by the Planning Board on July 27, 2022.