



Manchester-By-The-Sea
Minutes of the Planning Board

Date: January 13, 2025

Time: 7:00 PM

Location: Hybrid – Board Members and Public in Town Hall, Room 5

Members Present: Sarah Creighton (Chair), Chris Olney, Sue Philbrick, Mary Foley, Gordon Brewster, Peter Morton

Staff Present: Marc Resnick (Director of Land Management)

Other Board Members present: Ann Harrison (Board of Selectmen)

Call to Order

Ms. Creighton called the meeting to order at 7:00pm and roll call was taken.

Approval of Meeting Minutes

The Board approved three sets of minutes from prior meetings.

Mr. Morton moved to approve the October 28th, 2024 minutes. Ms. Philbrick seconded. The motion passed 6-0-1 with Ms. Tenny abstaining.

Ms. Creighton moved to approve the November 12th, 2024 minutes. Mr. Morton seconded. The motion passed unanimously.

Ms. Philbrick moved to approve the December 9th, 2024 minutes. Mr. Morton seconded. The motion passed unanimously.

Correspondence

The Board acknowledged receipt of several emails from several residents; Lorraine Iovanni, Elizabeth Thomas regarding CST blasting occurring before 10 AM on December 21st, Christine Delisio on January 6, January 8, and January 9, regarding a curb cut on School St, Elizabeth Thomas on January 9, Mary Foley on January 10th regarding an Open Meeting Law complaint, and Lorraine Iovanni on January 13th regarding SJC rulings and guidelines. Ms. Foley noted that the Board had previously agreed to include correspondence and topics on the agenda, which did not happen for this meeting. She suggested this be done going forward.

MBTA Zoning Update

Ms. Philbrick provided an update on the Massachusetts Supreme Judicial Court's ruling regarding MBTA zoning and clarified that the new 3A MBTA State law was ruled constitutional, all applicable towns and cities are required to comply. Ms. Philbrick noted that EOHLIC guidelines were found not to be enforceable due to procedural issues, and informed the Board that new guidelines are expected to be issued by EOHLIC.

The Board discussed implications of the SJC's ruling for Manchester's zoning. Mr. Resnick noted that the Town's Zoning Bylaw stands on its own and is believed to be in compliance with the law. There was debate about whether to request a stay or moratorium from the Attorney General pending final guidelines, and the Board agreed to wait for EOHLC to issue the final regulations before taking any further action on the matter.

Zoning Changes for Spring Town Meeting

Accessory Dwelling Units (ADUs)

The Board discussed potential changes to local ADU bylaw. The new State law allows ADUs of 900 sq ft or half the primary dwelling size in any district where single family homes are allowed; the local Limited Commercial District area would therefore not allow ADUs.

The Board debated whether to adopt State language or be less restrictive. The Board favored adopting the State definitions. The Board agreed that Manchester-By-The-Sea should prohibit short-term rentals in protected use ADUs (PADUs) and for non-protected ADUs as well. Ms. Foley brought attention to whether the residents would want to restrict the total number of allowable ADUs on a lot. Ms. Creighton stated that the intent is to form two new laws; one for PADUs and another that prohibits short term rentals in non-protected ADUs. The Board discussed eliminating the current bylaw provision for employee housing in accessory structures. There was agreement to have one comprehensive ADU bylaw rather than separate bylaws. The Board requested Mr. Resnick draft a new ADU bylaw review.

Commercial First Floor Overlay District

The Board engaged in a discussion about the potential creation of an overlay district aimed at preserving commercial uses on first floors in the downtown area. Marc emphasized the importance of maintaining a commercial core to avoid creating gaps between commercial activities, specifically considering the impact on the continuity of commercial areas. Issues discussed included:

- **Defining Geographical Boundaries:** There was discussion on defining the limits of this overlay district, potentially starting at the railroad tracks on Beach Street, up to the gas station, and including critical areas such as Harbor Point property. Some members emphasized the importance of not losing commercial properties like the sovereign bank, which could be repurposed for commercial use if properly regulated.
- **Balancing Commercial Viability with Residential Development:** Concerns were raised regarding the market demand for commercial spaces required on the first floor, which might lead to vacant spaces if not supported by residential units above. The Board debated how a balance could be struck where required commercial spaces would not become a burden in terms of long-term vacancies.
- **Support from the Downtown Improvement Committee:** Reports from the Downtown Improvement Committee indicated support for the preservation of ground-floor commercial spaces while encouraging appropriate residential developments above. There was a clear drive to address declining commercial presence, partly attributed to high rental costs and changing market conditions.

- **Planning and Timeline:** There was a strong sentiment that more community engagement and larger planning initiatives were necessary before proceeding. While some members expressed urgency, it was acknowledged that a comprehensive planning process involving landscape architects and engineers for the downtown core might be needed for success.

Despite mixed opinions, the Board agreed on the potential benefits of defining such a district but acknowledged that it might not be ready for implementation at the spring town meeting. The planning Board tasked Marc with exploring the parameters and putting together a conceptual draft for future discussions.

Associate Planning Board Members

The Board deliberated on the idea of appointing associate members who could participate in meetings and vote on special permits in the absence of regular members. This measure was discussed as a way to ensure continuity and stability in decision-making processes, where quorum issues had been problematic:

- **Appointment Process and Term Length:** Discussions included the method of appointing these associate members, who would be required to serve for terms proposed at either one year with renewals up to three years, or directly for three-year terms. The Board considered the necessity for a structured appointment process to ensure the right candidates were selected.
- **Scope of Participation in Meetings:** The associates would be involved in all meetings, allowing them to remain informed and prepared to vote on special permits and potentially site plan reviews. The discussion highlighted that their engagement in broader discussions could enhance their effectiveness when called upon to vote.
- **Benefits for Board Continuity:** It was noted that having associate members could help avoid decision-making delays, train future planning Board members, and ensure that the Board was well-staffed during extensive hearings.

Considering a shared interest in future Board health and function, the majority agreed to proceed with having Marc draft the bylaw required to initiate this structure.

Flood Plain Bylaw

The Board did not engage in a detailed discussion about the Flood Plain Bylaw during this meeting, acknowledging it as a priority for later discussions.

Zoning Introduction Removal/Rewrite

Brief mention was made regarding updates needed to the zoning introduction to remove outdated and incorrect references:

- **Clarification Needed:** There was consensus that the introduction required revisions to ensure consistency with current laws. This was not seen as a high-urgency task but something to address to avoid contradictory language in future planning efforts.

D2 Zone Clarifications/Removal

The Board touched on the complexities of the D2 zoning designation, questioning whether its elimination was advisable:

- **Existing Regulation Complexity:** The existing D2 regulations apply within 100 feet of certain streets, and the complexity and enforcement difficulties were acknowledged.
- **Impact on Properties:** Eliminating the D2 should be discussed more broadly to ensure that any changes were communicated clearly to affected property owners.
- **Path Forward:** The consensus was that further study was needed before pursuing alterations, not foreseeing readiness for the upcoming town meeting.

Site Plan Review Applicability

Marc presented ideas for expanding the triggers for site plan review to include:

- **Project Scale and Commercial Developments:** New thresholds would apply site plan review to projects based on their development size, covering more substantial commercial and land alteration projects.

The Board asked Marc to prepare a draft for consideration, aiming for clearer oversight and more consistent application.

Discussion of General Bylaws

Important enforcement items included issues with curb cuts:

- **Communication Improvement:** Marc was tasked with meeting the DPW and Building Inspector to better align enforcement and improve communication processes across departments. Enforcement of driveway regulations and clarity of responsibility were noted concerns that needed resolution.

Open Meeting Law Complaint

An Open Meeting Law complaint filed by Mary Foley was acknowledged. The Board reviewed an official draft response adhering to legal guidance received which stated site walks need not be posted, though there was support for transparency through posting where possible. Ms. Foley stated that she planned to pursue the matter with the Attorney General, citing past practices as precedent for transparency efforts.

Liaison Reports

Liaisons shared updates on committee activities:

- **Downtown Improvement Committee:** Discussions revolved around challenges facing commercial viability and potential development initiatives.
- **CPC Applications:** Upcoming applications and meeting plans were briefed.

- **Harbor Management Committee:** Members were advised on survey completions and planned next stages.

Public Comment

Sarah Pierce (9 Friend Street) articulated concerns regarding the current commercial rental rates, parking availability, and the overall scale of development within the town.

Lorraine Iovanni (28 Pine Street) highlighted the importance of preserving commercial spaces in the downtown area. She also commented on accessory dwelling unit (ADU) regulations and recommended that the Board consider requesting a moratorium on the implementation of MBTA zoning regulations.

Other Matters Not Reasonably Anticipated by the Chair

The Board reviewed a reported violation issue with CST project blasting incident and agreed to bolster communication among departments regarding permit conditions and enforcement procedures with an understanding of the corrective actions already taken by the fire department as informally addressed by the Fire Chief.

Adjournment

The meeting was adjourned at 9:57 pm.

By: Shannon Bianchi