



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

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**Date:** March 10, 2025

**Time:** 6:00 PM

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

**Members Present:** Sarah Creighton, Chris Olney, Sue Philbrick, Gordon Brewster, Laura Tenny

**Members Present Online:** Peter Morton

**Members Absent:** Mary Foley

**Staff Present:** Marc Resnick, Director of Land Management

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### Call to Order

Ms. Creighton called the meeting to order at 6:00pm. A roll call was taken of members present.

### Correspondence

Ms. Creighton acknowledged correspondence received from Lorraine Iovanni on March 3rd (three separate communications) and from Paul Orlando regarding the AU bylaw, which had been sent to all Board members.

### Approval Not Required - T. Ford LLC - 30 and 34 Pine Street

Mr. Resnick provided an update on the Approval Not Required (ANR) plan for 30 and 34 Pine Street submitted by T. Ford LLC. He explained that the plan was very similar to a previously submitted version, with three or four lots on Pine Street. Mr. Ford had adjusted the back lot line behind all three lots to have the correct amount of frontage on Deer Hill Road by removing an existing garage.

Tom Ford presented the updated plan, explaining that it involved the former Hatcher House and Kelly House properties. The Kelly House would be removed entirely, while the house at 30 Pine Street would likely remain. He noted that the frontages for the lots along Pine Street exceeded the 60-foot requirement and 6,000 square foot area requirement.

Mr. Ford discussed potential development scenarios, including single-family homes consistent with existing properties on Pine Street, or possibly cluster housing or duplexes under new zoning. He clarified the zoning districts shown on the plan as D2, not R2.

Board members asked clarifying questions about the existing structures, proposed demolition, and zoning implications. There was discussion about potential non-conformities that could be created by the new lot lines, particularly regarding setbacks for existing structures.

Marc confirmed he had reviewed the plan for compliance. He explained that while the ANR process only relates to frontage and access, any zoning non-conformities created would need to be resolved separately, potentially through the Zoning Board of Appeals.

Mr. Ford provided additional details on proposed access and frontage for each of the four lots. He noted Lot 4 would likely be developed under new zoning with duplexes or cluster single-family homes accessed from Deer Hill Road.

The Board discussed adding notes to the plan referencing relevant zoning districts and MBTA overlay provisions. They also considered whether to require demolition of certain structures as a condition of endorsement, but were advised this was not permissible for an ANR.

Mr. Olney moved to endorse the ANR plan submitted by T. Ford LLC dated 2/26/25, with the revision that the zoning district be changed to B2 on the plan. Seconded by Ms. Tenny. The motion passed unanimously.

### **Review and appointment of members to the Design Review Committee**

Ms. Creighton explained that with the recent approval of new MBTA zoning bylaws by the Attorney General's office, the town needed to appoint members to a Design Review Committee as required by the Bylaw. Two applicants, Gary Gilbert and Chuck Weissner, who had helped create the design standards, were put forward for consideration.

Mr. Olney moved to approve Chuck Wisener and Gary Gilbert for the Design Review Committee. Mr. Brewster seconded. The motion passed unanimously.

The Board then discussed appointing a planning board member to join the committee. Gordon Brewster volunteered for the role.

Mr. Olney moved to appoint Gordon Brewster to the Design Review Committee. Ms. Tenny seconded the motion. The motion passed unanimously.

### **Public Hearing 208 Summer Street**

Ms. Creighton opened the Public Hearing for a special permit application submitted by 206 Summer Street LLC for 208 Summer Street. The project required topographic changes triggering Section 6.4.2.4 of the zoning bylaw.

Ms. Philbrick moved to open the public hearing. Mr. Brewster seconded the motion. The motion passed unanimously.

Tom Sachs, of Hancock and Associates representing the applicant Tim Hoff, presented the project. Architect Tim Curtis was also in attendance for the presentation. Mr. Sachs explained it involved a single-family dwelling at the top of a hillside with a proposed driveway meeting fire department regulations. The plan included a hammerhead carport with pervious pavers and a common drive providing access to 206 Summer Street.

Mr. Sachs discussed the grading plan, highlighting areas of earth removal within setbacks and interior areas. He noted a 14-foot cut at the high point and approximately 40 square feet of ledge to be removed for the carport.

The presentation included several design alternatives that had been reviewed with the Conservation Commission. Mr. Sachs explained how they had worked to reduce retaining wall heights and impacts on the vernal pool buffer. The current proposal included 4-foot tall retaining walls with turf reinforcement mats to allow 1:1 slopes.

Board members asked questions about wall heights, grading, and stormwater management. There was significant discussion about the engineered feel of the site and concerns about the extent of grading and retaining walls proposed.

Mr. Sachs acknowledged the board's concerns and stated they were open to working with a landscape architect to develop a more comprehensive planting plan. He noted that much of the grading was dictated by fire department requirements for the driveway.

Public comments were received from:

1. Thomas Frank of 195 Summer Street, who expressed concerns about the extent of site clearing and disturbance. He also raised questions about permitting and environmental impacts.
2. Christine Delisio of Lincoln Ave, who asked about stormwater management requirements and whether the project triggered the town's new stormwater bylaw.

Board members and the applicant discussed the need for further review of stormwater management requirements with the Department of Public Works. There was also consensus that a more detailed landscape plan was needed to address concerns about the engineered appearance of the site.

The applicant, Tim Hoff, spoke to explain his timeline constraints related to moving his family before the start of the school year. He requested consideration of a conditional approval to allow site work to begin.

After discussion, the Board determined more information was needed before a decision could be made.

The applicant presented updated plans for the site grading and retaining walls.

Board member Laura expressed concern about the engineered appearance of the grading and suggested bringing in a landscape architect to help soften the design and develop a planting plan. She recommended having the landscape architect look at both the grading and planting to create a more natural-appearing topography.

Laura Tenny suggested making it a condition of approval that a landscape architect be brought in within a certain timeframe, such as 4-6 weeks, and that a plan be presented to the Planning Board for approval about a month after that.

Ms. Creighton noted that one of the application requirements is to show how the design features will integrate the proposal into the existing landscape, preserve and enhance aesthetics, and screen objectionable features.

The Board heard public comments from Thomas Frank, a neighbor at 195 Summer Street. Mr. Frank expressed concerns about the clear cutting of the site, removal of stone walls and vegetation, and alteration of the hillside. He noted the lack of visible Mass DEP permits and questioned what the final appearance would be, particularly regarding the 10-foot retaining wall visible from the street.

Christine Delisio asked about the stormwater management plan and whether it would need to be reevaluated under the town's recently adopted stormwater bylaw.

The applicant clarified that the common driveway had been previously approved by DEP. For stormwater related to the lot itself, they designed for maximum extent practicable infiltration and did not believe additional DEP filing was needed.

The Board requested the applicant check with the Public Works Department on whether the project triggers review under the new local stormwater bylaw.

The property owner, Tim Huff, spoke to request conditional approval to allow site work to proceed, citing a timeline to move his family into the home by the start of the 2026-2027 school year. He expressed willingness to return to the Board with a more detailed landscape plan.

After discussion, the Board decided to continue the public hearing to allow time for the applicant to:

1. Check on stormwater permit requirements with DPW
2. Develop a more detailed landscape architecture plan
3. Refine the grading plan to appear less engineered
4. Provide details on retaining wall materials and appearance

Motion: Ms. Philbrick moved to continue the public hearing for 206 Summer Street to March 24, 2025 at 7:00 PM. Seconded by Mr. Brewster. The motion passed unanimously.

## **Public Hearing Zoning Changes**

### **Accessory Dwelling Units - Standard**

Ms. Philbrick moved to open the public hearing on proposed Zoning Bylaw changes. Seconded by Mr. Brewster.

Ms. Philbrick summarized the proposed Bylaw for Standard ADUs, which allow ADUs up to 900 square feet in all single-family residential districts by right. Key provisions included:

- One parking space required, except within 1/2 mile of MBTA station
- Prohibition on short-term rentals
- Site plan review required
- Dimensional standards consistent with principal dwelling
- Only one ADU permitted per lot

The Board discussed whether utilities could be required to be separate for ADUs. Town counsel had advised this may not be allowed for standard ADUs under state law.

Christine Delisio suggested the Town needs a mechanism to track ADUs approved, as they increase the housing stock and impact affordable housing calculations. She also felt prohibiting separate utility meters could be discriminatory.

Sandy Rogers asked for clarification on what defines an ADU versus an apartment.

### **Accessory Dwelling Units - Large**

The Board then discussed the proposed bylaw for "large" ADUs, which would allow ADUs between 901-1500 square feet by special permit. Key provisions included:

- Two parking spaces required
- Prohibition on short-term rentals
- Not permitted on two-family or multifamily properties
- Special permit criteria

The Board debated reducing the maximum size from 1500 to 1200 square feet. They also discussed whether to allow large ADUs in all zoning districts or limit them to single-family districts.

Ms. Tenny suggested reducing parking to one space, consistent with standard ADUs, to minimize impervious surfaces.

The Board agreed to revise the draft to:

- Reduce maximum size to 1200 square feet
- Require one parking space
- Allow in single-family districts only
- Remove the requirement for conforming lots

## **Associate Planning Board Members**

The Board discussed adding associate member positions to the Planning Board. Key points included:

- Allow 1-2 associate members
- Appointed jointly by Planning Board and Select Board
- Two year terms, staggered
- Can act when regular members are unavailable for Special Permits

Christine Delisio supported having associate members but felt they should be appointed by the Planning Board only, not jointly with the Select Board.

## **Board Discussion on other possible Zoning changes for Spring Town Meeting**

### **Site Plan review applicability**

The Board reviewed a proposal to expand triggers for site plan review, including:

- Construction for commercial use over 400 sq ft
- Aggregate site disturbance over 1500 sq ft
- Drive-through facilities
- Multifamily construction/renovation of 3+ units
- Alteration of 1+ acre of land

The Board discussed refining some of the proposed triggers and language. They agreed to remove a provision about reviewing existing structures when additions are proposed.

### **Zoning Introduction removal/rewrite**

The Board briefly discussed a proposal to delete the outdated zoning bylaw introduction and move it to a web page that could be more easily updated. They agreed this was lower priority and could wait for a future town meeting if the warrant is already lengthy.

### **Floodplain By-Law**

Mark summarized that the town is required to update its floodplain bylaw to maintain eligibility for flood insurance. The proposed bylaw adopts new FEMA flood maps and establishes regulations for building in flood zones. The Board agreed this was a time-sensitive item to include for town meeting.

## **Board Discussion of General By-Law Section 46 Driveway Entrances and Planning Board Driveway Regulations**

Mark reported that Town counsel recommended a full rewrite of the driveway regulations, which are currently in the general bylaws. Key issues to address include:

- Clarifying applicability to public vs private roads
- Establishing special permit criteria
- Addressing conflicts between driveway "entrances" vs full driveways
- Potentially moving regulations from general bylaw to zoning

The Board agreed to defer this complex issue to a future town meeting to allow time for a comprehensive review and rewrite.

### **Liaison Reports**

Chris reported that the Community Preservation Committee agreed to increase funding for the rotunda project by \$400,000 to make up for a grant that is not coming through.

### **Public comment**

There was no additional public comment.

### **Approval of Meeting Minutes from 1-13-2025**

Motion: Ms. Philbrick moved to approve the meeting minutes from January 13, 2025. Seconded by Mr. Brewster. The motion passed unanimously.

### **Other matters not reasonably anticipated by the Chair**

Ms. Creighton reported that the Cruising Club of America has requested an exemption to the no-rafting rule at Reed Park for an event on June 26-27. The Board suggested deferring to the harbormaster's judgment on whether this would be safe and advisable.

Mr. Resnick noted he would be providing updated zoning amendment drafts to the Board the following day in preparation for their Wednesday meeting to finalize language for the Town Meeting Warrant.

Mr. Olney moved to adjourn the meeting. Seconded by Ms. Philbrick. The motion passed unanimously. The meeting was adjourned at 9:38pm.