

**JAY E. BOTHWICK  
7 BOARDMAN AVENUE  
MANCHESTER, MASSACHUSETTS**

**VIA E-MAIL**

July 27, 2022

Sarah Mellish, Chair  
Manchester Zoning Board of Appeals  
Manchester Town Hall  
10 Central Street  
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**Re: SLV School Street, LLC / Comprehensive Permit Application**

Dear Ms. Mellish and Members of the Board:

I am writing to you as a resident of Manchester and as the Chair of the Citizens Initiative for Manchester Affordable Housing, Inc. (“CIMAHA”) with respect to the G.L. c. 40B residential housing development (the “Project”) proposed at 0 School Street in Manchester-by-the-Sea (the “Property”). The Manchester Zoning Board of Appeals (the “Board”) is nearing the end of its hearing on the application for a Comprehensive Permit filed by SLV School Street, LLC (the “Applicant”).

At the outset, I want to express my sincere appreciation for your time, devotion and attention to this application and the myriad of supporting (and often conflicting) information provided to you. It is a daunting task to assimilate, winnow and weigh these materials, especially given the regulatory framework in which the Board is operating. As an unpaid volunteer, your ongoing efforts on behalf of Manchester deserve special recognition. Thank you.

It is clear the Project is opposed by the overwhelming majority of Manchester residents, with good reason. It presents significant risks to the environment and the safety of our drinking water. It will not address the real affordable housing needs of the Town given the proposed rents, location of the Project and number of units designated as ‘affordable’ under the regulatory framework. Although the goals of G.L. c. 40B to create more affordable housing are appropriate, its application can widely miss the mark. The Project is a clear example of that as the Applicant is using the regulatory framework to literally blast and bulldoze through legitimate public health and safety issues under the banner of creating purportedly affordable housing, when we all know the Applicant is purely driven by the prospect of personal financial gain. That may be appropriate when the project at issue is within an already developed or disturbed area and is of a size and scale commensurate with its surroundings, but the math should be different when as here the Property is not developed, and borders environmentally sensitive wetlands that feed our drinking water supply.

The Project also presents basic public safety concerns due to the characteristics of the Property and the Project, including the “maximum build” approach driven by the challenges of building

anything here that makes sense economically. These include very serious concerns relating to the single access, steep and winding driveway almost 1900 feet long. There are many reports and letters from others that make these points, and I will not repeat them here.

I do, however, want to urge each of you not to suspend your common sense, judgment and knowledge of the Town as you wade through conflicting opinions of experts and consider your actions in response to the Application. Nothing in the regulatory framework requires that.

I will point out but one example relating to snow plowing and storage.

The latest Site Development Plans for the Project dated May 5, 2022 include a Snow Storage Plan [Sheet No. C-106]. The Notes indicate approximately 67,500 square feet of area requiring snow removal and approximately 18,000 square feet of primary snow storage area, with an assumed 5:1 compaction rate, and go on to say the area would accommodate an approximate 5.33 inches of snowfall with an average snow pile height of 4 feet. Wow, that sounds great, and I have no basis to challenge the areas or compaction rate. However, even in this era of climate change, I am quite certain we will have snowstorms greater than 6 inches. The Notes further indicate in that case additional secondary storage and off-site storage would be available, and snow would be stockpiled as needed. My questions are where and how?

The primary storage areas depicted do not start until you are well beyond the driveway entrance, and even then, are a sliver of space to the right (or north) as you drive in. With the significant grades and utilities located at the entrance on the other side of the driveway the Applicant will not be able to push or store snow there. So, they will push all the snow across the entire width of the driveway up the steep grade and around curves! Given the relative size of the snow storage area and the driveway until you approach the southwestern end of the Project, and with the proposed compaction rate, you will have a wall of snow including all the treatment chemicals customarily applied, many feet high for a very moderate amount of snowfall. Beyond much of that wall of snow is a down grade vernal pool.

Now overlay the ADA compliant sidewalk depicted on the March 7, 2022 Conceptual Ramp Plan “issued for review” but never certified and not reflected in the certified Site Development Plans dated May 5, 2022. What does that do to the proposed Snow Storage Plan and any realistic ability to keep both the driveway and sidewalk clear while not pushing or blowing treated snow towards the vernal pool or across School Street? There is not even a depiction of the height of the sidewalk as compared to the driveway. Worth noting but beyond the scope of this letter, what does the inclusion of the sidewalk mean for the other Site Development Plans dated May 5, 2022?

Even assuming there were areas on each side of driveway where snow could be pushed, what is our commonsense experience in our own driveways and on the streets throughout Town? Passageways are considerably narrowed and with thawing and freezing cycles ice forms in places even on treated surfaces. Perhaps that is why Fire Chief Cleary suggested in his June 29, 2022 letter that a detailed and comprehensive snow removal plan be compiled and submitted. I submit that any such plan should cover the sidewalk as well as the driveway.



But what does a detailed and comprehensive snow removal plan look like and what does it accomplish? It is a piece of paper, like the Snow Storage Plan submitted by the Applicant. Who is to judge its credibility or feasibility? What are the prospects that a snow removal contractor and its employees working extended shifts during a snow event will follow it? Who will determine compliance on an ongoing basis or enforce compliance? What penalties and remedies will be available for noncompliance (for example, can the Town hire a contractor or use its own snow removal resources at the Applicant's expense to remove the snow)? These are all items that should be considered, and I believe your judgment and knowledge is better than any expert compiling the plan.

As noted above this is merely one example where the Applicant has failed to provide real answers to serious public safety concerns. Similar examples abound in the environmental areas that have been discussed before the Board. Here, as in many other areas, the Applicant has or will say you can add conditions to the Application. In each of those cases I urge you to think about whether such conditions could really address the concern after asking the foregoing questions, especially as to those conditions that may imply continuing efforts or satisfaction after issuance of a building permit or may delegate decision making authority to someone that may not have the resources (whether in terms of support staff or budget) to forcefully push back on the Applicant pressuring for a signoff or may not consider this within her/his primary area of responsibility or focus and thus has no real incentive to do so. In proposing conditions to address real public safety and environmental issues, the Applicant is saying to a large extent "trust me" to perform and fulfill these obligations. MassHousing made it clear it did not trust the principal of the Applicant in its December 10, 2021 letter, nor should any member of the Board.

Once again, thank you for your very significant and important efforts on behalf of the Town and its residents.

Regards,



Jay E. Bothwick