



MANCHESTER-BY-THE-SEA

MBTA TASK FORCE • TOWN HALL
Manchester-by-the-Sea, Massachusetts 01944-1399
Telephone (978) 526-6405 FAX (978) 526-2001

MINUTES of the MBTA Task Force Joint with the Planning Board

May 23, 2024 6:30 p.m. Hybrid and In-Person Room 5

Task Force Members Present: Chris Olney, Chair, Sarah Mellish, Ann Harrison, Sandy Bodmer-Turner, Sue Philbrick, Gar Morse, and Denny Hall

Planning Board Members Present: Sarah Creighton, Laura Tenny, Mary Foley, Peter Morton and MBTA Task Force members Chris Olney and Sue Philbrick

Select Board Members Present: Ann Harrison, John Round, Brian Sollosy, Cathy Bilotta, and Jeff Delaney

Member Online: MBTA Task Force Members, Richard Smith

Member Not Present: Task Force Member, Mike Pratt

Staff Present: Town Planner, Marc Resnick, MBTA Task Force and PB Admin, Gail Hunter

Guest: Emily Innes, Consultant

Call to Order

Ms. Olney called the Joint MBTA Task Force/Planning Board Public Forum to order.

Mr. Olney provided a brief history of the Law passed by the State in 2021 and Mr. Resnick walked participants through the Task Force Guiding Principles, the defined zoning districts, and specifics of the MBTA Law as it applies to each district and the Town at large. Mr. Resnick presentation is contained in the PDF below. During his presentation Mr. Resnick addressed the following:

- Task Force Guiding Principles
- MBTA Overlay Districts
- Methodology for Determining Districts
- Zoning Parameters the Impact Density
- Compliance with State Law



MBTA Zoning
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Ms. Harrison spoke to the Task Force reasoning for selecting Condominium Association. She pointed out that the Association owns the land, and the building is owned by individuals. Ms. Mellish agreed saying it was the same reasoning behind smaller lots; it is unlikely that a developer will be interested in smaller lots.

Linda Surdam, 16 Sea Street – Ms. Surdam, thanked the Task Force for their work on behalf of the Town and asked if Con Com rules would still be in place for a developer. Mr. Resnick confirmed Con Com rules remain in place. Ms. Surdam also asked for clarification of current parking requirements. Ms. Creighton clarified that it is 1.5 parking spaces per unit rounded up.

Lindsay Banks, 40 Forest Street – Ms. Banks asked when the units would be built. Ms. Innes stated that zoning does not equal development. Development is a choice that takes place over time. It is likely that the process will take place over time.

Mr. Federspiel pointed out that the Town has land that could be developed that is not being developed. The Town experiences a few teardowns and rebuilds annually but there is limited new development in Town.

Sandy Rogers, 82 Old Essex Road – Ms. Rogers asked for clarification of by-right and if the Town will lose control of the building process. Ms. Innes indicated that the Special Permit process is not part of the by-right standard, however, all the criteria in the Special Permit process can be part of the Site Plan Review criteria which will provide the Town with the necessary safeguards.

Tim Gates, 2 Desmond Avenue – Mr. Gates stated that from reading the Zoning By-Law he observed that 3A must meet the standard of providing housing for families with children. Ms. Innes replied that was accurate and there are standards in the law for families with children.

Following Mr. Resnick’s presentation and questions from residents. Ms. Innes presented the Proposed Zoning By-Law with edits addressing changes and the reasoning behind the proposed changes.



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Ms. Innes outlined the three areas the Town must complete prior to submitting to the Stat:

1. Mapping
2. Compliance Modeling
- and 3. Zoning By-Law for MBTA Overlay Districts

Ms. Innes working with the Task Force is editing and completing changes to the Manchester-by-the-Sea CHOD Overlay District Zoning By-Law. Most recent edits were presented by Ms. Innes.

Ms. Creighton asked if a development needed relief for setbacks or height would that be possible if the development was by-right. Ms. Mellish, Chair of ZBA, indicated it was her understanding that variances would be addressed in underlying zoning. Ms. Innes was not 100% sure but she agreed with Ms. Mellish that that was likely accurate.

Ms. Harrison noted that some people feel they are losing control. Ms. Innes stated that is not true, if anything, additional standards are being put in place for the overlay districts. The process is not changing. Abutters notices will be mailed to abutters and the process will require a Public Hearing. Additionally, the Design Review process will provide additional input into what is happening in a given neighborhood. Mr. Federspiel clarified that the Site Plan Review process sets conditions but assuming the conditions are met the application cannot be denied.

Ms. Foley asked about water recharge systems for storm water management is the Board allowed to put in conditions. The Town is allowed to put in conditions.

Public Comment

Donna Furse, 8 Blossom Lane – Ms. Furse asked about parking garages. Theoretically a developer could possibly build a parking garage. She also expressed concern regarding who would oversee all the possible changes. Ms. Creighton stated that was not part of the Planning Board’s jurisdiction. Ms. Furse also asked about rounding down the affordability number. Ms. Innes stated that may change depending on the Feasibility Analysis but rounding down would help with the developer’s ability to build a project. Rounding up for a small development could result in 20% affordability.

Sandy Rogers, 82 Old Essex Road – Ms. Rogers expressed concern about 1.5 parking spaces and suggested that developers be required to limit the size of the building. Ms. Mellish clarified that it is coverage by structures and parking could be impervious. Ms. Rogers also asked if an analysis has been completed for the Beaver Dam lot, no analysis has been done and the Task Force does not need to guarantee a site for a developer. Mr. Olney pointed out that the site is already disturbed, it is not green.

Samantha Hubisz, 4 Powder House Lane – Ms. Hubisz asked about wetlands protection and would the wetlands continue to be protected. Mr. Resnick stated that all Con Com regulations remain in place.

Sarah Pierce, 9 Friend Street – Ms. Pierce asked about ledge removal and fill requirements. Mr. Resnick stated that all zoning related to ledge removal and fill remain in place.

Any other Administrative Matters not anticipated in advance of the required 48-hour posting.

Mr. Morse moved to approve the meeting minutes of May 9, 2024, and May 16, 2024; Ms. Philbrick seconded the motion. The motion passed unanimously.

Adjourn

Mr. Morse moved to adjourn the MBTA Task Force meeting; Ms. Philbrick seconded the motion; the motion passed unanimously.

Ms. Creighton moved to adjourn the Planning Board Meeting; Mr. Olney seconded the motion; the motion passed unanimously.