



# MANCHESTER-BY-THE-SEA

## ZONING BOARD OF APPEALS

Manchester-by-the-Sea, Massachusetts 01944-1399  
Telephone (978) 526-1410

February 18, 2022

Mr. Geoffrey Engler  
SLV School Street, LLC  
257 Hillside Avenue  
Needham, MA 02494

VIA ELECTRONIC DELIVERY: gengler@s-e-b.com

Mr. Engler,

The purpose of this letter is to follow-up on requests for information made in Public Hearing sessions on your 40B application prior to February 9, 2022, enumerate the requests made at our Public Hearing on February 9, 2022, and request information and further action which the Conservation Commission voted on February 15, 2022 that the ZBA needs in order to consider your requests for certain waivers under the local Wetland By-Laws.

For all requests below, please advise the date by which you can provide the information. If you are unable to provide any of the information, please provide me with an explanation regarding why you feel the request is unreasonable.

### **Prior Outstanding Requests (requests made prior to the 2.9.2022 meeting)**

- Prior Test Pit Data Logs – Taken in connection with the Miller Engineering & Testing Inc Report sent to you on July 29, 2020 and identified as Project 20.119.NH. Attachment A, Limitations, Explorations #3 refers to water level readings “being made at times and under conditions stated on the boring logs”. Attachment C, Laboratory Gradation Report, does not include any boring log information with respect to water level readings. Thus, our request for Test Pit Boring Logs with respect to water level readings remains outstanding.
- Certification of the Application made to MBTS Zoning Board of Appeals. We have the certification you made with respect to the application filed with MassHousing, but you confirmed the application you made to the MBTS ZBA is not identical. We continue to await certification of the application made to MBTS.
- Conservation Waivers: Additional information regarding the necessity for requesting these waivers remains outstanding.

### **Requests Made at the February 9, 2022 Meeting**

- ADA Compliant Sidewalk Design: You agreed to satisfy this request by 3.9.22

- Driveway Length: Explanation of need for an 1,800 foot long driveway with no emergency egress, curvature to the road, including alternate designs considered
- Driveway Maintenance & Operations Plan, including Snow Removal Plan
- Total Parking Spaces: For each property in the list of comparable properties with respect to total parking spaces, provide number of bedrooms, proximity to transportation and other services, such as grocery stores and restaurants
- Guest Parking: Explain adequacy of 16 guest spaces, overflow plan and evacuation plan for all vehicles on the property
- Traffic Improvements Design and Cost: 128 ramps, other congested intersections, motion activated pedestrian lights on School St. at development and 128 ramps on east side of School St., street lights and potential mitigation plan.
- Summer Traffic Analysis: impact of the project on traffic heading to the beach through downtown MBTS and beach parking
- MBTA Parking Analysis: impact of the project on parking available at the MBTS commuter rail station

### **Conservation Commission Requests**

In order for the ZBA to consider waiver requests of our local Wetlands By-Laws, the ZBA must receive materials similar to those that would otherwise be required by the Conservation Commission. At their meeting on February 15, 2022, the Commission voted to make a recommendation to the ZBA of information necessary to properly assess the potential impact on jurisdictional wetland resources, watershed and protection of the public water supply:

- Written narratives that describe the impact of proposed work to specific wetland resources protected under the local Wetlands Bylaw, including temporary impacts during site prep and construction, and permanent impacts.
- Written arguments demonstrating that a significant adverse impact on wetland resources will not occur, sufficient to meet the relevant burden of proof.
- Adequate Alternatives Analysis for any temporary or permanent impacts to wetland resources from work within the inner Buffer Zones, including the 30' No Disturb and the 50' No Build Zone.
- "Stamped engineered plans" that comply with the standards in the Wetlands By-Law and with the Conservation Commission's usual and customary practices.

### **Wildlife Habitat Study**

Provide a Wildlife Habitat Study, required under Manchester Wetlands By-Law Section 9.10, based on the importance of wildlife corridors in the area, proximity to other areas suitable for wildlife, and actual or possible presence of rare plant or animal species in the area. This study shall be conducted by a qualified professional acceptable to the Manchester Conservation Administrator beginning no later than March 1, 2022 during the upcoming 2022 breeding season, in and around all identified potential and certified vernal pools on and nearby 0 School Street, the property intended to contain The Sanctuary by the Sea Apartments, including:

- Potential vernal pools in the "A-Series" BVW
- Certified vernal pools in the "B-Series" wetland
- Certified vernal pools within Riverfront Area of Sawmill Brook, just north of the property line

- Certified vernal pools along Cedar Swamp just south of the boardwalk and west of Old School Street
- The study shall include egg mass observation and counts in the vernal pools, along with amphibian collection using (e.g.) drift nets and pit traps in the areas upgradient of the vernal pool

Mr. DeRosa emphasized the importance of this site and its likely function as vernal pool habitat in his 2021 DeRosa ANRAD Peer Review.

It is my understanding the Conservation Commission has made a similar request for the Wildlife Habitat Study and if you comply with their request, it will satisfy the ZBA request.

Thank you,

A handwritten signature in cursive script, reading "Sarah Mellish".

Sarah Mellish, ZBA Chair