

Conservation Commission Meeting – May 21, 2015 Minutes

Time: 7:30 PM – 9:00 PM

Location: Town Hall, First Floor Conf. Rm.

Members Present: Mark T. Mahoney, Chair; Tom Ruskin, Vice Chair; Nelson Kessler; Marc Andler; and Toni Bandrowicz

Members Absent: Robert Salter and Monica Tamborini

Others Present: Paul Levenson, Esq.; Sheryl Levenson; Scott Burke; Larry Gnoipen; and others in support of neighbors of Beach Club.

First order of business was a discussion of the work being performed at **the Beach Club on Shepard Ave.**, which includes work on the tennis courts and installation of light poles. Scott Burke, from the law firm of Morrison Mahoney LLP, submitted a letter, dated May 21, 2015, outlining the concerns of James and Virginia Burke on the work being done and flooding (which is attached to these minutes).

The Commission members read Scott's letter and Mark confirmed that the description in the letter regarding his conversations with the Beach Club and town representatives was accurate. Mark noted that he had informed the Beach Club that any work involving dredging, alteration or fill would need a permit.

Given the issues raised about the work, Mark had requested that the Beach Club voluntarily stop all work (which it agreed to do) or else the Commission would need to issue an enforcement order. The Beach Club was asked to attend this meeting, but was unable to do so, therefore this matter will be on the agenda for the June meeting. Scott said that the Beach Club had not stopped all work, that it has put some treatment (possibly acid) on the tennis courts and then painted them. Mark said he had known that they were going to paint, but he was unaware as to the prior application of any chemicals. Mark suggested that if Scott or the others in attendance had additional information they wanted the Commission to be aware of, they could send it in writing to the Commission prior to the June meeting. The June meeting will be a public hearing.

It was asked if the beach near the Club had been checked recently to see if there was any endangered species present. The Commission members were unaware of whether this had been done.

Next on the agenda was a discussion of the **seawall at the Clifton Improvement Association's park off Atlantic Ave** and its interest in raising the seawall, as it had originally wanted, to 18 ft. The Assoc. had raised \$250,000 in the past which covered raising the wall to only 16 ft. Mark noted that there are coastal resiliency grants and that the Assoc. should contact CZM about them. He further suggested that they check with the recent DCR survey of all seawalls in Swampscott to see if this wall was included in

that survey. He also said that the Town had recently hired a contractor to do a resiliency plan for Swampscott, and it may be possible to get this seawall included in that plan. Given sea level rise and increased storm surges associated with climate change, and the need to protect Atlantic Ave., Mark thought that a proposal to increase the height of the seawall may be favorably viewed by agencies, including the Mass. DEP, given the new emphasis on resiliency and protection of infrastructure.

A discussion of the **Northstone Road** construction followed next on the agenda. The situation is that the owner had permission to do routine maintenance, in effect, minor repairs to existing stairs; however, based on photographs (copies attached to these minutes), the work that was done went far beyond this, and resulted in the construction of new cement stair structure that extends onto the beach. Such work would clearly require a permit which the owner had not applied for. Moreover, it is unlikely that construction of such a structure would be approved. It was noted that similar requests by other homeowners as well as the Beach Club have been denied. The Commission understands also that Building Inspector will be sending a letter to the owner noting that, in addition to not getting a required building permit, the construction is in violation of the building code. Concerns were also raised as to the effect of this structure on the beach, as it may have the same effect as a jetty, and disrupt the longshore current, resulting in accumulation of sand on the updrift side of the structure, and a loss of sand on the downdrift side. The Commission discussed what action to take, whether requiring owner to file a notice of intent, or to directly issue an enforcement action. Mark will call the Mass DEP and send an email summary to the members on what they advise as the best course of action.

Toni, who is also a member of the Town's Open Space & Recreation Plan Committee, then discussed the **Open Space & Recreation Plan**, which is available via a link on the Swampscott Conservation Commission Town's website. Included in the plan is a list of objectives, to be accomplished over the next 5 years, along with the Town entities that are responsible for the implementation of those objectives. The Conservation Commission is listed as the responsible for:

Year 1 Objectives

- Create maintenance programs (all properties)
- Address encroachment by neighbors (Ewing Woods, Harold King Forest, Polisson Park, Rail Trail)
- Improve trail systems (for all ages) and create map

Year 2 Objectives

- Develop a natural resource protection and acquisition plan and fund through grants and CPA funds
- Utilize historically appropriate landscape treatment (Linscott Park, Town Hall Lawn)
- Work with property owners to develop techniques to increase flood storage areas (wetlands)

Year 4 Objectives

- Establish stewardship program to assist in maintenance and oversight (students and special interest groups)
- Limit impact of (potential) school construction on conservation land (Stanley School/Ewing Woods)
- Investigate and identify pollution runoff (streets/public ways)
- Identify and certify potential vernal pools

Year 5 Objectives

- Investigate and protect wildlife corridors
- Implement public access and management plan (Blythswood)
- Work with the school/owner to develop a preservation plan (Marion College)

Year 6 and 7 Objectives

- Collaborate with Temple to improve access to/through Palmer Pond
- Plant coastal worthy trees without blocking water views (shade, aesthetics, stormwater control) (Blaney Beach & reservation, King's Beach, Polisson Park, Johnson Park)
- Add a "vista point" at view of ocean (Harold King)
- Establish winter salt management program to protect open space and natural resources (alternative to salt)
- Develop brochure on human interaction with wildlife
- Install boardwalk and view platform with signage (Palmer Pond)
- Inventory plant species and prepare report (Harold King)
- Analyze methods to control phragmites (Palmer)
- Create a plan to protect unique flora and fauna
- Conduct assessment and control plan of invasive plants

In going through the list, Nelson noted that there are restrictions on putting anything into Palmer Pond which would affect the objectives of collaborating with the Temple to improve access to and through the pond, and of installing a boardwalk and view platform with signage in the pond. Toni will raise with the Open Space Committee.

Toni said that the Open Space Committee had, in accordance with the objective of creating maintenance plans for town properties, had drafted a plan for Ewing Woods, and had previously provided the draft to the Conservation Comm. members for comment. She will forward it again by email. The plan, modeled after a plan Ipswich prepared for one of its properties, will also be given to other town entities as well as the residents for comment.

With respect to Ewing Woods, Toni said that she and another member of the Open Space Committee had walked the woods, noting some possible encroachment by abutters, but that it was hard to confirm without a survey. It was suggested by another member that the registry of deeds should be checked to see if there was a survey on the property boundaries.

Toni suggested that the Conservation Comm. purchase 4" round boundary markers (at a cost of \$250 for 100) to put up on conservation land (once boundaries are established), and showed some examples of such markers to the other members. The markers can have any design and writing on them. She also noted that the Municipal Design Committee is working on town wide signs for all the town properties, including Ewing Woods.

Other matters concerning Ewing Woods include: (1) when and if appropriate, making sure any construction at the Stanley School does not encroach on the Ewing Woods property or the paper street that runs along it; (2) addressing invasive species on this property as well as other Conservation Commission properties, perhaps by hiring an outside contractor; and (3) considering establishing a friends of the Woods organization.

Toni also updated the other members on the Open Space Committee proposal to apply for a matching LAND grant for purchase of property behind Windsor Park (also an objective of the Open Space Plan). LAND grants are submitted by the local Conservation Commission. While the Open Space Committee has obtained preliminary information on the site and grant application process, Town representatives need, and are planning to approach Aggregate Industries, the owners of the property, to see if it would be interested in selling or, if not, granting a conservation easement for this property.

Also mentioned was a complaint about the disposal material on property owned by the Unitarian Universalist Church of Greater Lynn.

The next meeting is planned for Wednesday, June 17, 2015.

Meeting adjourned at 9:00 PM.

Submitted by Toni Bandrowicz

MORRISON MAHONEY LLP

COUNSELLORS AT LAW

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ENGLAND	RHODE ISLAND
LONDON	PROVIDENCE

May 21, 2015

Mr. Mark Mahoney, Chairman
Conservation Commission
Town of Swampscott
22 Monument Avenue
Swampscott, MA 01907

Re: The Beach Club
80 Shepard Avenue

Dear Mr. Mahoney:

I am writing on behalf of myself and James & Virginia Burke regarding work being performed at the Beach Club pursuant to the Building Permit No. 89-15. I live at 44 Longley Avenue and Jim and Ginny Burke live at 15 Cutting Road. Both of us have homes that directly overlook the Beach Club property.

I. The Application for Building Permit 89-15

Pursuant to Zoning Board Decision 21-23 (**Tab 1**) (hereinafter "2002 Permit"), the Beach Club was to form a Liaison Committee to discuss with neighbors any issues in order to avoid the discord that occurred in 2002 when the Beach Club sought to build a two-story clubhouse along with other extensive work without having first consulted with neighbors. The 2002 Permit was issued only after extensive negotiations between the Beach Club and the neighbors which resulted in the project being significantly reduced in size and with specific limits being placed on Beach Club operations. It is distressing to the neighbors that the Beach Club proceeded with this extensive work without notifying the neighbors as specifically contemplated by the 2002 Permit. Not only did they fail to notify the neighbors, the Beach Club avoided any legal notice being provided to the neighbors by submitting incomplete information to you and even less forthright information to the Building Inspector regarding the email exchange between you and the Beach Club representative.

The email exchange between the Beach Club and you did not provide full disclosure to ConCom as to the extent of the project. It is noteworthy that at the time that you were contacted in March 2015, the Beach Club was in possession of the October 31, 2014 proposal by Ace

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Mr. Mark Mahoney, Chairman

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Tennis Court Builders (**Tab 2**). The Beach Club's emails to you were inaccurate in a number of respects:

1. The Beach Club specifically represented that the work "does not involve any digging up of the existing surface or surrounding ground" even though the work included excavation for the bases for (7) 22' tall light posts and associated electrical conduits. In fact, the description of the work mentions nothing about erecting light posts, at all.

2. The Beach Club referred to the work as "resurfacing" even though the Beach Club rejected Ace's proposal for a \$9,000 "resurfacing," opting instead for what Ace called "reconstruction" with a price of \$79,000 (a multiple of the original cost of the tennis courts). Why would the Beach Club not use with you the description of the work provided by their own contractor?

3. You advised the Beach Club that it did not need ConCom approval if the elevation of the tennis court was raised "less than a couple of inches." The Beach Club knew at that time that Ace's proposal was to add 4.5" of concrete (at least).

4. The Beach Club represented that the tennis courts did not encroach on any protected areas. That is incorrect (see discussion below).

To compound matters, the Beach Club only submitted to the Building Inspector your email of Monday, 3/28 at 2:28 and Mr. Grasso' email of 2:58. As such, it was unknown to the Building Inspector that the Beach Club did not inform you about the installation of light posts. Further, the Beach Club did not provide your email of 3/21 at 3:01 asking for elevation information, or the exchange that followed. Had that information been provided to Mr. Baldacci, he would have been able to determine that the proposed work was more extensive than what was represented to you and was more than, to use your phrase, "less than a couple of inches."

II. Flooding

The Beach Club and the surrounding area are prone to coastal surges and extensive and frequent flooding from storms. The first page at **Tab 3** is a photograph that I took on March 15, 2010. The flood conditions depicted in that photograph extend into the tennis courts that are subject of the current project. The tennis courts (and a large surrounding area) are entirely in Zone AE. The second page of **Tab 3** is a print-out from the GIS map showing the boundary of Palmer's Pond. The red line on the photograph marks 100' and demonstrates that a portion of the courts, and potentially two proposed light posts, are within the 100' protected buffer of Palmer's Pond.

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Mr. Mark Mahoney, Chairman

May 21, 2015

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The Beach Club is well aware of the issues with flooding. The first page of **Tab 4** is the first page of a letter from Geotechnical Services, Inc., dated July 5, 2002, that was in the file of the building inspector. This letter was provided in connection with the construction of the new clubhouse and a number of accessory structures in 2002 that was the subject of the 2002 Permit. In the bottom paragraph, Geotechnical Services references the fact that it had been "informed that the clubhouse structure has been washed away by storms three times in its history."

The proposal from Ace (**Tab 2**) states on the fifth page under Proposal 3, "From what I have read in your email and proposal outline about the proximity of the courts to the water, and given the fact that you experience storm surge from time to time, my recommendation is that you do not consider either of these options. Har-Tru will wash away. Synthetic Grass will get damaged."

Tab 4 is a Topographic and Drainage Plan dated November 10, 2001 prepared in connection with the 2002 project. This drainage plan not only shows the major drainage of water to Shepard Avenue and Ocean Avenue (which I have highlighted in yellow), it delineates the Flood Plain/Wetland Protection District Overlay Zone that existed at that time (which covers an even larger area today). The Beach Club stated in its email to you that the new concrete courts were constructed on top of two prior surfaces. I could not find any details of a second surface being constructed in the files of the building inspector. ConCom has been provided no information regarding how much these two prior surfaces have increased elevation before the current project. It is also noteworthy that the Beach Club also obtained a proposal from Ace to elevate courts 3 & 4, but is not proceeding with that work at this time.

According to the proposal from Ace, the work included the construction of a 4.5" thick concrete slab on top of the existing tennis courts. The approximate court size according to the first page of the proposal is 108' x 120'. Assuming that the 4.5" thickness was utilized, the tennis courts would have used 180 cubic yards of concrete. That increase in grade would cause the displacement of 36,360 gallons of water into an area which already suffers from flooding. We also question whether the completed project is actually only 4.5" in elevation as the thickness of the concrete closest to the paved parking lot appears thicker than the corner closest to Palmer's Pond. That causes me to question whether the tennis court was elevated more than 4.5" and/or pitched to shed water away from Beach Club property and toward Palmer's Pond or the street.

As further evidence of the Beach Club's knowledge of flooding issues, at **Tab 5**, I have enclosed a letter from the Beach Club to Mr. Kessler dated September 19, 2003 regarding the vacuuming of the Beach Club parking lot catch basin. Mr. Kessler is in a better position than me to provide information regarding the flooding issues that led to that request from ConCom, but as **Tab 3** demonstrates, flooding of the area is an ongoing problem that impacts the neighborhood

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Mr. Mark Mahoney, Chairman

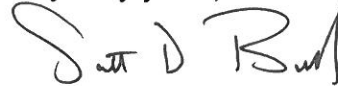
May 21, 2015

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and the wetlands. Additional water directed to the neighborhood can cause the further overflow of storm drains which prevents ejector pumps from operating resulting in basement and garage flooding.

Please feel free to contact me if you have any questions or comments. Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Scott D Burke". The signature is written in a cursive, somewhat stylized font.

Scott Douglas Burke

Enclosures

cc with enclosures: Members Conservation Commission
Building Inspector

21-23

2004

21-1-1

TOWN CLERK
COLLECTOR TREASURER
SWAMPSCOTT, MA
01907

TOWN OF SWAMPSCOTT
DECISION OF ZONING BOARD OF APPEALS
UPON PETITION OF
THE BEACH CLUB

2002 OCT - 3 P 3:34

A meeting of the Board was held at
Swampscott High School commencing at
8:45 p.m. on February 26, 2002 and
continued on March 18, 2002. The Board
consisted of Kenneth B. Shutzer, Chairman,
Anthony Scibelli, Esq., David James, Robert
Baker and Michael Gorenstein

Pursuant to public notice in the Lynn Daily Evening Item, a newspaper having a general circulation in the Town of Swampscott, on May 8, 2001 and May 15, 2001, and pursuant to notice sent by mail, postage prepaid, to all interested parties, a public hearing was held on the petition of The Beach Club ("The Club"), 80 Shepard Avenue, Swampscott, MA, for a Special Permit to alter a preexisting nonconforming use and structures so as to allow reconstruction of the clubhouse and accessory structures for the same purpose and use at 80 Sheppard Avenue. The premise is further described as Lot 11 of the Assessors Plate 32 and is located in the A-1 Zoning District ("the Locus"). The Club seeks a special permit pursuant to the provisions of Sections 2.2.7.1 (nonconforming uses) and 2.2.7.2 (nonconforming structures) of the Town of Swampscott Zoning By-Law ("the By-Law"). The Club maintains that its proposed reconstruction and extension of the structures on the Locus qualify for a special permit because the new structures would be in compliance with the dimensional regulations of the By-Law and would not be substantially more detrimental to the neighborhood of the Locus than the structures and uses that now are on the Locus.

The petitioner was represented by Attorney William R. DiMento, 25 Pitman Road, Swampscott, Massachusetts.

Through their Attorney, the petitioner submitted a site plan prepared by Hayes Engineering, 203 Salem Street, Wakefield, MA, and architectural plans prepared by William A. Hall, 2 Linden Street, Swampscott, MA. The petitioner seeks a special permit to reconstruct the Clubhouse in order to modernize and enhance the safety and efficiency of the structure, and to relocate and reconstruct accessory structures.

Petitioner's counsel presented evidence that The Club has operated continuously at the Locus, which is situated in an A-1 zoning district, since 1928. The Board [previously] determined that The Club's longstanding use of the Locus constitutes a preexisting nonconforming use when, in 1978, it allowed an extension of such use for the purpose of

installing tennis courts at the Locus. See Section 2.2.7.0 of the By-Law¹ and G. L. c. 40A, Section 6.

Said structures do not fail to comply in any way with the dimensional regulations of the By-Law.

In light of the lawful nonconforming nature of such use and structures, Sections 2.2.7.1 and 2.2.7.2 of the By-Law are the applicable sections for The Club to seek permission for effectuating its plans for the Locus, since said sections provides for allowance by a special permit of, among other things, the reconstruction, extension, alteration or change of a nonconforming structure other than a single or two-family dwelling.

Petitioner commissioned Timothy J. Foulkes of Cavanaugh Tocci Associates, Inc., 127 Boston Post Road, Sudbury, MA, for the purpose of conducting an acoustical study at The Club. The study was conducted on July 7th, 2001 between the hours of 1:00 pm and 2:00 pm.

Mr. Foulkes stated that the site was crowded and the tennis courts were in use. One of the main reasons the study was conducted was to compile evidence that showed the proposed increase in The Club's pool capacity would not have a significant affect on the noise level in the neighborhood. The range of sounds levels for normal speech is 60 to 65 dBA. A raised voice is 70 dBA. Shouting is 78 dBA and above. The measurements from this study from the patio showed sound levels of 67-68 dBA, with an estimated 80 people at the pool. The site plan showed that the Clubhouse provides a sound barrier screen for part of the pool area. Roughly 75% of the pool area is screened by the existing Clubhouse. Roughly 25% of the pool area is exposed, with no shielding. The proposed Clubhouse relocation would move the Clubhouse so that the Clubhouse would screen only 25% of the pool area. This means the Clubhouse screens a 3 to 1 ratio between the future and existing conditions in the amount of the pool. He went on to conclude that the theoretical change in average sound levels is +5 decibels, and the measurements show very little difference in the measured pool activity sound levels whether the receiver position is shielded by the Clubhouse or not.

The Board heard from eleven members of the Beach Club stating their opinions on the importance of renovations to The Club, as well as the purpose of updating the facilities in order to continue carrying out The Club's tradition of being a safe, family oriented place, where members can come during the summer season.

Also present at the meeting, for the purpose of expressing their opposition to the granting of the special permit, were eleven of the surrounding neighbors of The Club. Among these neighbors was Paul E. Levenson who spoke only on behalf of himself and his wife, Sheryl, and

¹ *Nonconforming Uses and Structures.* This zoning by-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G. L. c. 40A, Section 5 at which this zoning by-law, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

not as a Selectman for the Town of Swampscott and not as counsel for the neighbors. Mr. Levenson expressed his concerns over the possible obstruction of ocean views and the possible noise level increase that may result from The Club's proposed renovations. He went on to state the importance of taking into consideration the fact that the present neighborhood is more densely developed today than when The Club was established, and any increase in the noise level and the amount of traffic will prove to be more detrimental to the neighborhood.

With the approval of the Board, in order to determine whether it was possible for the neighbors and The Club to reach an agreement on The Club's petition, a series of meetings between the parties were held for the purpose of addressing the dimensions of the proposed new Clubhouse and the future uses of the Locus. The result of those meetings is reflected in the redesign of the Clubhouse and accessory structures contained in the architectural and engineering plans cited below and in the conditions and restrictions listed below. The Board is also informed that the neighbors and The Club will enter into a letter agreement covering the landscaping of the Locus and will also organize a Liaison Committee to address issues that may arise in the future.

The Board expressly recognizes that its approval of The Club's application for a special permit is conditioned upon The Club's strict adherence to the conditions and restrictions listed below, and that any failure of compliance will entitle the neighbors to seek all remedies and sanctions available in situations involving a violation of the Town's Zoning By-Law including, without limitation, the right to petition this Board for limitations on the restrictions.

After hearing all the evidence, and on the basis of the agreements reached between the neighbors and The Club, the Board makes the following findings of fact:

1. The proposed reconstruction and extension of the structures on the Locus qualify for a special permit because the new structures would be compliance with the dimensional regulations of the By-Law.
2. The proposed reconstruction of the existing Clubhouse and accessory structures on the Locus will be exclusively for the same use as is now made of the existing Clubhouse and accessory structures on the Locus.
3. The proposed reconstruction in light of the agreed upon conditions and restrictions will not be substantially more detrimental to the neighborhood of the Locus than the existing Clubhouse and accessory structures that now are on the Locus.


The Board members then voted to close the public hearing.

Therefore, upon motion of Anthony Scibelli, with a second by David James, the Board voted unanimously to grant the requested Special Permit for permission for the petitioner to reconstruct the Clubhouse and accessory structures for the same purpose and use, provided that the following conditions and restrictions are met:

1. All construction shall be in accordance with the plans prepared by Hayes Engineering, 203 Salem Street, Wakefield, MA entitled "Site Plan Showing 'Proposed Pool' in Swampscott, Mass. Rev. April 3, 2002" and "Topographic and Drainage Plan 'Proposed Pool' in Swampscott, Mass. February 28, 2002; and by William A. Hall, Architect, entitled "The Beach Club-Swampscott Phase II-The Clubhouse" revised as of April 3, 2002, designated A-1, A-2, A-3 (rev. Mar. 12, 2002), A-4, A-5 (rev. Mar. 12, 2002), and A-6 (rev. Mar. 12, 2002). Said plans include a drawing entitled "Elevation of Deck & Railing at Northeast Corner" dated April 3, 2002 and initialed April 10, 2002.
2. The hours of daily operation are to be from 8:00 AM to 9:00 PM except for special events, not to exceed ten, which are to end on or before 11:00 PM with all cars out of both parking lots by 11:30 PM, except for the people working on cleaning and closing; and except for the children's night at The Club during which those in charge will keep the noise level to a minimum.
3. The premises will be open for membership from the 15th of May until the last Sunday in September. There is to be no general use of the premises before that date nor after the Club's closing date, except for tennis, general maintenance, repairs and permitted construction. Use of tennis courts identified as courts 3 & 4 will be prohibited in the off season and parking will be restricted to The Club parking lots when tennis courts 1 & 2 are in use.
4. There is to be no rental of the premises for private parties or other occasions not open to the entire membership of The Club.
5. The Club shall not apply for a general liquor license for the premises, but reserves the right to apply for so-called one day licenses.
6. The Northeast side of the premises along Blodgett Avenue is to be kept relatively free of formal activities. The intent of this clause is to provide a buffer zone between the activity of The Club and the neighbors.
7. The Shepard Avenue parking area shall remain an unpaved parking area.
8. The Club will continue the long standing parking arrangement with the Neighborhood Association upon mutually agreeable terms.
9. Construction of the Clubhouse and all accessory structures will also comply with all building and other applicable codes of the Town of Swampscott.

10. All licenses, permits and approvals, whether federal, state or local shall have been granted and shall be in full force and effect prior to the demolition of the Clubhouse and any accessory structure at the Locus; and The Club shall so certify to the Board.

11. If there is a change in FEMA codes and regulations that affects the proposed construction, The Club must come before the Board for approval of changes.



Kenneth Shitzer, Esq.
Chairman

ACE Tennis Court Builders

PO Box 107, 40 Tuttle Rd, Woodbury, CT. 06798
O: 203-263-0773 C: 860-483-0725

To: The Beach Club
Swampscott, Mass.

October 31, 2014

Proposal

A proposal for Repairing/Rebuilding the Courts at the Beach Club. Specifications pursuant to 'Tennis Court Request for Proposal, dated October 10, 2014'.

Approximate court size, 108'x120'

Proposal 1, as outlined in RFP, Section 1. Resurfacing Courts:

A) Cleaning:

Courts to be powerwashed to prepare for resurfacing.

B) Repair:

If any cracks are in need of repair, **Armor Crack repair system** to be used.

C) Coating System: 2 part coating system.

Furnish materials and apply Laykold Acrylic Color Coating.

Two Coats of Color coating. Red Inbounds, Green Outbounds.

Textured White playing lines will be applied.

All color and lines applied to ASBA/USTA specifications.

- **Option:** Apply One coat of Resurfacer before color coats. This will fill small cracks and depressions to improve the appearance of final color coats. This coat will lessen birdbaths by leveling depressions. However, all birdbaths, especially large/deep baths, may not be completely eliminated by one coat of resurfacer, but they will be lessened.

D) Accessories: Option

- 1) Douglas Tennis Posts and Net. Premier XS 2 7/8" Black posts.
TN-45 Tennis Net.

E) Guarantee:

Paint is guaranteed from peeling due to improper application. Note: Painted surfaces require proper use and maintenance. Also, painted courts may require re-coatings every 5-10 years, depending on use. These are not covered under any guarantee.

Armor Crack repair to be guaranteed two years against delamination of layers. However, existing asphalt cracks may continue to lengthen beyond repair area(s).

F) Start/Complete Time:

Much of this process is weather dependent. Rain, possibility of rain, cold weather, and possibility of cold weather may delay progress and extend the completion time. We have no control over the weather, and we may have to suspend work until weather conditions permit us to continue.

No surface coatings can be applied until temperatures are above, and stay above 55 degrees, with no rain or imminent rain.

Courts 1 &2: Resurfacing;

Total Price for above detailed work.....\$8,900.00

Option 1: Resurfacer before paint:....ADD.....\$ 1,500.00

Option 2: New Nets/Posts:..... ADD.....\$ 1,050.00

Option 3: Armor Crack repair:.....\$ 20/lf if needed.

Courts 3 &4: Same as above.

Laykold Cushion Plus Xtreme System to be applied for an additional **\$23,000.00** per bank of courts.

- 1) Surface to be prepared as above. All cracks and birdbaths need to be fixed.
- 2) One coat of Resurfacer to be applied to court surface
- 3) Cushion Plus Granule Rubber is applied; 3 coats.
- 4) Cushion Plus Powder Rubber is applied; 3 coats.
- 5) Textured Color Coats; 2 coats (Laykold ColorFlex is used on cushioned surfaces, it has superior flexibility specially formulated for cushioned courts)
- 6) Textured White Lines.

Note: Cure Time: No traffic is allowed on surface for 1 week. Do not allow sprinklers to spray onto new surface until cured. No bicycles, rollerblades, skateboards, etc. are allowed on court.

Proposal 2, as outlined in RFP, Section 2. Reconstruction.

A) Site Preparation:

- 1) The bottom of the fence fabric to be cut approx. 5" to meet the surface of the new concrete courts.
- 2) PVC sleeves will be added to existing net post sleeves to extend for new surface.

B) Post-tensioned Concrete Slab: (P/T)

- 1) Form work to be installed around perimeter of court, outside existing fence posts.
- 2) Two layers of 6 mil polyethylene sheeting will be placed over the entire court area, taped at the seams.
- 3) Post-tensioning cables will be laid out and installed to Post-Tensioning Institute (PTI) design specifications. #4 rebar backup bars to reinforce anchorages. [a design stamped by a Professional Engineer will be provided to verify integrity of design and compression ratio. A minimum compression of 115P/A will be applied. (PTI min. is 100 P/A)].

- 4) A 4.5" thick, 3000 psi concrete slab will be placed inside the forms, finished as required. Slab to be cured using plastic sheeting according to ACI specifications.
- 5) P/T cables will be stressed according to PTI specifications and procedures by a Certified Field Installer. First stress is typically 24-48 hours after concrete pour. Final stress is typ. 7-10 days after concrete pour.
- 6) The concrete surface will be checked for flatness according to ASBA guidelines. Any deviations will be brought to proper tolerances with 5000 psi epoxy concrete.
- 7) After final stress of cables, P/T cable ends will be cut off smooth with edge of concrete and cone holes to be filled with non-shrink grout, finishing the edge of slab.

C) Surface Coatings: 5 part system.

After concrete has properly cured, approx. 30 days, the surface will be cleaned and an Epoxy Sealer will be applied to the entire court surface. 80 mesh silica sand will be broadcast into the wet Epoxy and allowed to cure. One coat of Resurfacer will be applied. Two coats of Color Coat will be applied. Red Inbounds. Green Outbounds. Textured White playing lines will be applied. All color and lines applied to ASBA/USTA specifications.

D) Guarantee:

The Post-tensioned concrete slab is guaranteed for **25 years** against structural cracks. Structural cracks are defined as cracks penetrating full depth of slab. Structural cracks will be repaired at no cost for a period of 25 years from original construction date, as long as proper intended use and maintenance practices are followed.

Courts 1 & 2 Reconstruction;

Total Price for above detailed work:.....**\$ 79,000.00**

Total for all four courts:.....\$159,520.00

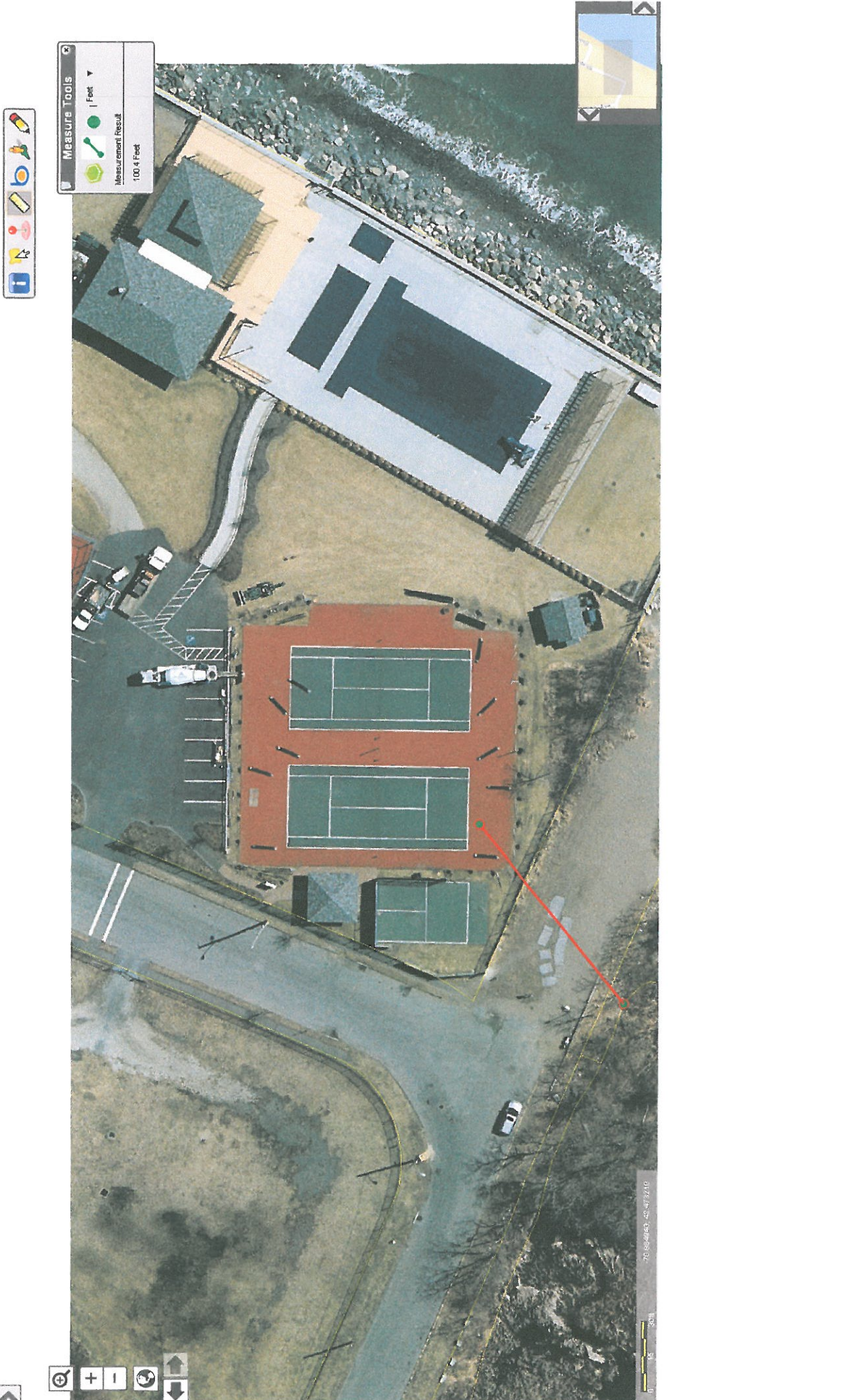
Laykold Cushion PlusXtreme System to be applied for an additional **\$23,000.00** per bank of courts. Same specs as above.

Proposal 3, Section 3: Har-Tru, and Section 4: Synthetic Grass

From what I have read in your email and proposal outline about the proximity of the courts to the water, and given the fact that you experience storm surge from time to time, my recommendation is that you do not consider either of these options. Har-Tru will wash away. Synthetic Grass will get damaged. The high level of maintenance and costs to maintain/repair these types of courts should be considered.

If you didn't have the water threat, both those systems would be good options to pursue, as well as Rubber Mat systems. But I would warn against it in your particular case.







5 July 2002

Mr. William A. Hall
William A. Hall Architects
2 Linden Avenue
Swampscott, MA 01907

RE: **GEOTECHNICAL INVESTIGATION/EVALUATION
PROPOSED NEW BEACH CLUB HOUSE
SHEPARD STREET AND BEACH STREET
SWAMPSCOTT, MASSACHUSETTS
GSI Project No. 202244**

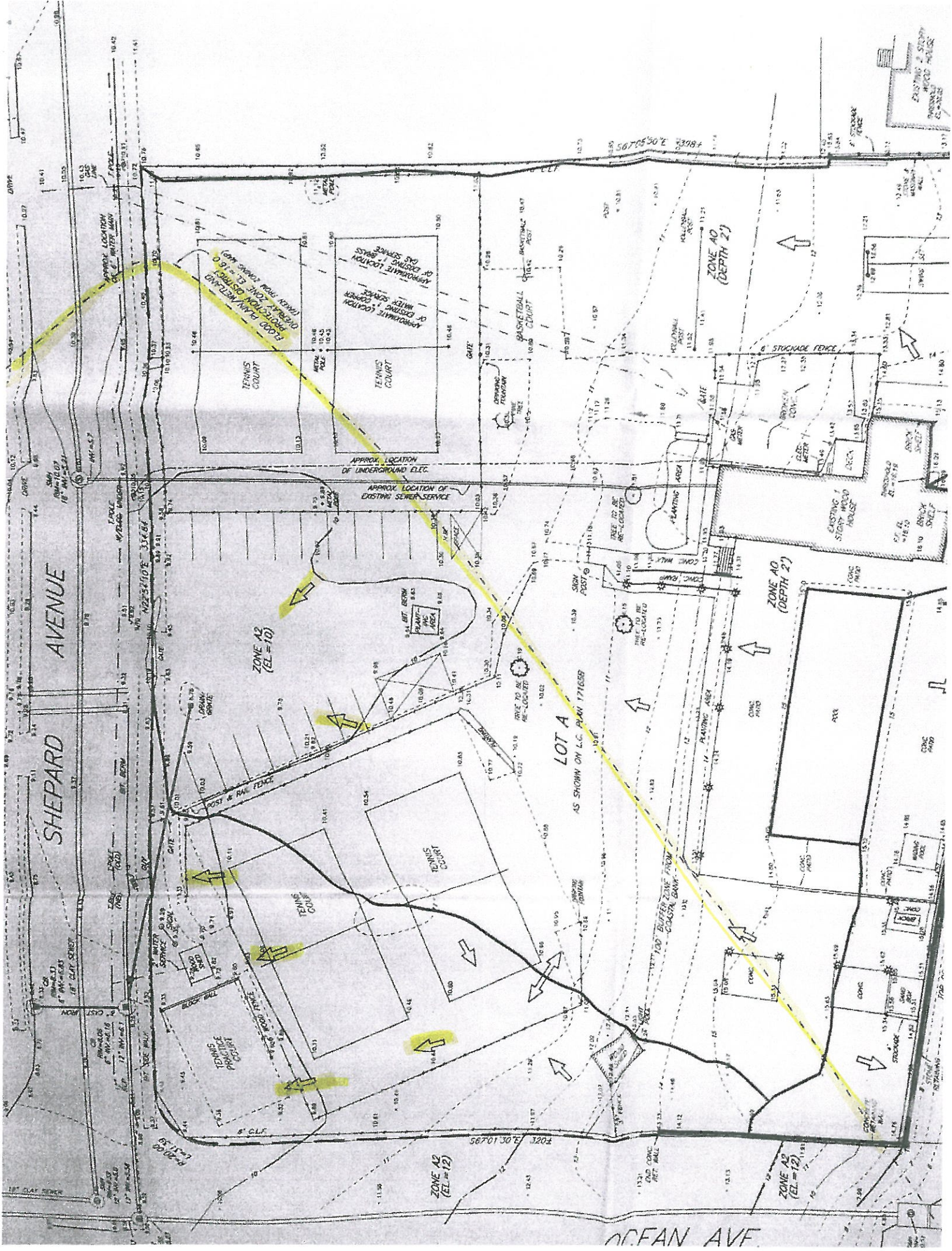
Dear Mr. Moll,

Geotechnical Services, Inc. (GSI) is pleased to submit this report in connection with the geotechnical investigation and evaluation undertaken for the subject project. This report presents the findings of a subsurface exploration program and an evaluation of the conditions encountered as they relate to foundation design and construction for the proposed new Swampscott Beach Club building at the intersection of Shepard Street and Beach Street in Swampscott, Massachusetts (please see Figure 1. Project Locus). The work was undertaken in accordance with our proposal of 11 June 2002, and your subsequent authorization. The contents of this report are subject to the attached **Limitations** (please see Appendix A).

Project Site

The project site is located along and directly abutting the Atlantic Ocean coastline in a residential area. The access to the site is through Shepard Street. The coastline forms the easterly boundary. The site is currently occupied by the Swampscott Beach Club facilities, consisting of a clubhouse, tennis courts, a large size pool, a basketball court and a play area for children. The existing clubhouse is a one-story, wood-framed structure, approximately 25 ft by 80 ft in footprint. A seawall (barrier) exists along the eastern boundary of the site separating it from the ocean. The wall is approximately

20 ft away from the high water line. The existing clubhouse is about 20 ft inland from the wall. We have been informed that the clubhouse structure has been washed away by storms three times in its history.



SHEPARD AVENUE

OCEAN AVE

ZONE A2 (EL=10)

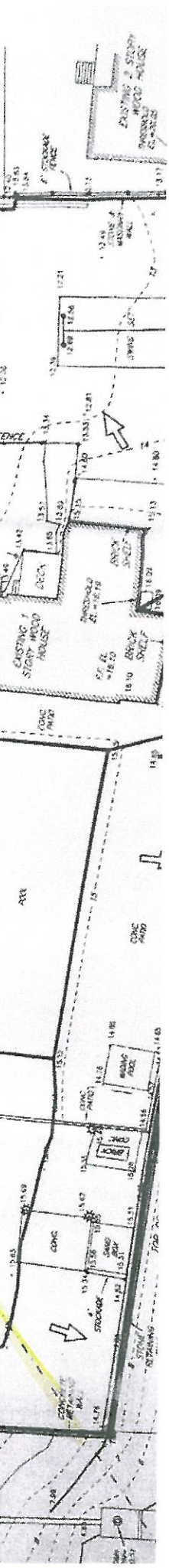
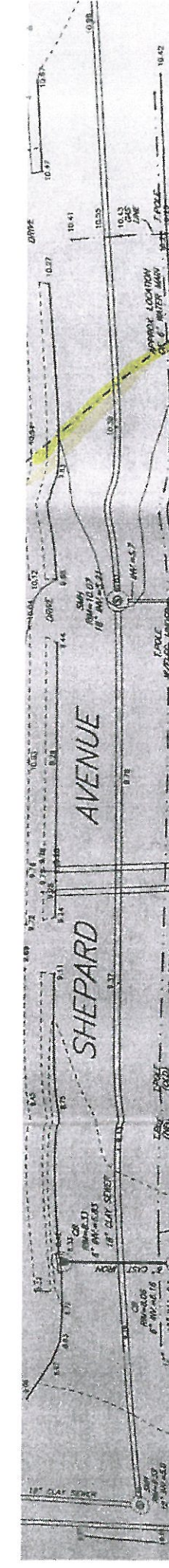
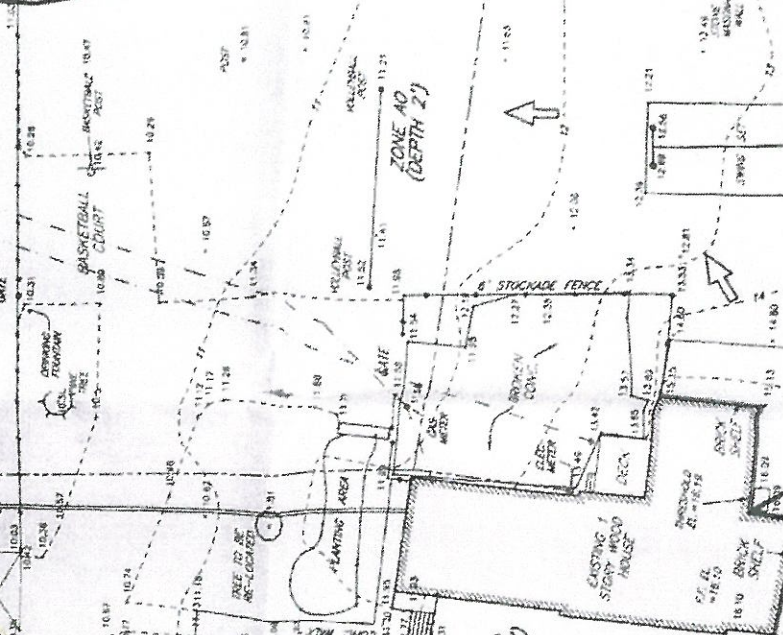
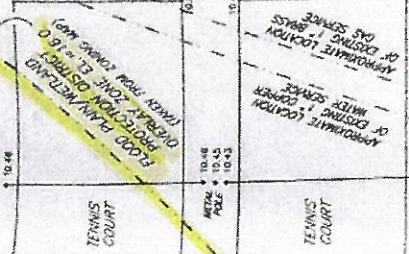
ZONE A2 (EL=12)

ZONE A0 (DEPTH 2)

ZONE A0 (DEPTH 2)

ZONE A0 (DEPTH 2)

LOT A
AS SHOWN ON L.C. PLAN 171658

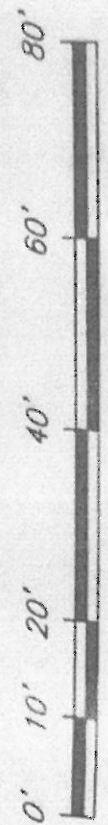


EXISTING 2 STORY
WOOD HOUSE
20
05

TOPOGRAPHIC & DRAINAGE PLAN " EXISTING CONDITION "

SWAMPSCOTT, MASS.

FEBRUARY 28, 2001
REV. NOV. 10, 2001



SCALE 1" = 20'

H&S ENGINEERING, INC.
CIVIL ENGINEERS &
LAND SURVEYORS



603 SALEM STREET
WAKEFIELD, MASS. 01880
TEL. (781) 246-2800



[Signature] P.E.
3/30/01

NOTE: EXISTING UTILITIES SHOWN WERE COMPILED FROM FIELD SURVEY AND NOTES OF RECORD AND ARE APPROXIMATE. ALL UTILITIES SHOULD BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION.

The Beach Club
P.O. Box 222
Swampscott, Massachusetts 01907
(781) 595-0389

80 SHEPARD AVE

September 19, 2003

Nelson Kessler, Cochairman
Swampscott Conservation Commission
Elihu Thomson Town Administration Building
Swampscott, MA 01907

Re: The Beach Club; DEP #71-0190 & 71-0211

Confirming our telephone discussion, on September 8th, 2003, T. Mackey & Sons of Salem vacuumed cleaned the catch basin in the Beach Club parking lot and pressure washed the pipe from the parking lot catch basin to the catch basin in the street that is the out-flow (about 100'). The parking lot catch basin had about 9" of silt in the bottom, and 2' of clear space before reaching the bottom of the out-flow pipe. The vacuumed out dirt was removed from the site.

For your information, we have noted that the out-flow pipe at the Ocean Ave right-of-way for the storm water run off to Phillips Beach is still about $\frac{3}{4}$ filled with stones and thus the local area street storm water drainage is probably decreased.

Sincerely,



Charles Hall
Owners Representative
781-599-6332.

Joseph Latronica, Tim O'Brien.

RECEIVED
BUILDING DEPARTMENT
TOWN OF SWAMPSCOTT
2003 SEP 22 AM 11:47

