



Town of Swampscott

OFFICE OF THE PLANNING BOARD

22 Monument Avenue, Swampscott, MA 01907

Planning Board Members

Patrick Jones, Chair
Angela Ippolito, Vice Chair
Sylvia Belkin
Jeffrey Blonder
George Potts

Planning Board Secretary

Helen Kennedy

Town Planner/Energy Efficiency Manager

S. Peter Kane

December 19, 2011 Meeting Minutes

Time: 7:00 – 9:10 pm

Location: Swampscott Senior Center

Members Present: P. Jones, J. Blonder, A. Ippolito, S. Belkin, G. Potts

Others Present: Town Planner Pete Kane, Attorney Brian LeClair, Architect Walter Jacob

Town Planner Kane was invited to share some of his experience. He has a Masters from Tufts. Worked with MA Association CDCs on energy assistance for housing. His Swampscott position is devoted 75% to Planning and 25% to Energy Efficiency. The entire Board expressed their enthusiasm and welcomed Mr. Kane warmly.

Petition 11-31 of M/M DiPalma for their property at 12 Williams Terrace. Attorney LeClair informed the Board that some categories for filing petitions do not apply to his clients' petition. They are not looking for any dimensional relief. Bylaw chapter 48, section 6: first step is evaluation to consider if it intensifies the non-conformity. Second, if the Board determines there is some intensification, the determination whether the proposed new structure would be substantially more detrimental than the existing structure. The Zoning Board of Appeals can only undertake these two evaluations. Not looking for any dimensional relief except for frontage.

Two step evaluation: If it is determined that it is not substantially more intensive, existing building height is greater than the ZBA would currently allow. The frontage would not comply with the existing bylaw. Proposed height complies with existing bylaw except the frontage. In addition to reducing the height, the structure becomes smaller. Comparing the old vs. the new, our proposed building is probably a better scale, building and more in conformance with the neighborhood.

Architect Jacob: Looking at the two options: renovate substantially or build a new house that better fits into the neighborhood. All abutters except one were contacted. Reducing size by about 2,000 SF, reducing height 10'. Existing house was built in the 1800's. Proposal is to do mullion windows, gambrel roof with dormers and white cedar shingles in addition to allowing more parking spaces. Mr. Jacob reviewed view from various aspects. Bottom of building will have stone exterior so it will look like it is coming out of the ground.

Board Member Blonder: An in-law apartment? W. Jacob: It is really a guest room but won't have a separate entrance. The doorway is out to the covered porch.

Board Member Potts: Any blasting requirements? W. Jacob: There will be some pounding or blasting, trying to use some of the existing foundation. Will replace existing pool. Displayed drawing showing location of "pink" existing house and the location of the proposed new house. Existing house has a walkup; new house will be at grade. Garage will be moved behind the house.

Chairman Jones: It is refreshing to have a petition that reduces the size of the house. The character of the proposed house is much improved upon the existing house. What is existing paving and what is proposed? W. Jacob: There will be impervious gravel around central paving area. Landscaping plan shows existing and proposed trees. No decision has been made about planting closer to the water. Want to leave everything close to the ledge alone. Open space comes out to 89%. Pool will be fenced in which will be concealed by evergreens and grade of land. The large existing trees are on a separate lot, also owned by DiPalma. Measurements on the application are on the original existing lot. Currently there is no plan to build on the second lot.

Abutters M/M Rosenman live at 3 Williams Terrace across the street from DiPalma. They are concerned that their ocean view will be blocked by the new building. Asked why the new house can't be moved to the right. Asked when will blasting take place?

Chairman Jones: There are guidelines for hours of construction. Board members wondered whether moving the house would be considered. W. Jacob: The most important thing about this plan is the siting of the house.

Mr. Rosenman showed the Board pictures of the view from their home.

Board Member Ippolito doesn't see that their view would be blocked. J. Blonder suggested putting up stakes on the line and the Board could do a site visit.

W. Jacob: Could move the house but then it is getting closer to the side yard. I know your view is the ocean, but this house will look significantly better.

Town Planner Kane: Are there any view-easements on the property? Attorney Le Clair: There are no view easements.

W. Jacob: If they move trees, other neighbors want them to be left undisturbed. G. Potts: Different view in summer vs. winter. Moving trees may help their view in the summer.

Mr. Rosenman: I understand what they want to do. Our house is rectangular with all windows overlooking the ocean.

Mr. Di Palma: Changed the location of the garage because it obstructed the view of other neighbors. Now that they are building new house, they would be open to consider adjusting the trees. W. Jacob and Mr. DiPalma will meet with neighbors and consider modifications.

Chairman Jones: Suggested using Photoshop to drop view of new house over the existing house.

G. Potts: Moved to recommend to the ZBA based on discussion between abutter. A site-amenioration should be presented with Planning Board recommendation to the ZBA. Two parties are going to come to an agreement before Wednesday. A. Ippolito seconded the Motion. Mr. Di Palma wants to be careful as to the amount of work being created for Architect Jacob. S. Belkin: Talking about taking out a couple of trees or trimming them from the lower level to preserve the view corridor. Mr. Di Palma not looking to take away someone else's view. Landscape architect: It might be dead trees which have to be taken down will resolve the difference. Motion unanimously approved.

S. Belkin: Will this recommendation be included in ZBA decision? A. Ippolito: They will consider our recommendation.

Board discussion regarding Planning Board communication with Zoning Board of Appeals:

- A. Ippolito: we need to put a petition together and get signatures to bring this to Town meeting. The way the bylaws were revised was unsatisfactory. Planning Board never should have lost the vote. There should be collaboration between the Boards. We do not feel like ZBA is protecting site plan review E.g. in Captain Jacks. There was a lot of duplicated effort. I thought it was going to work differently but now a lot of things have been dropped.
- B. P. Jones agrees that Planning Board should review the bylaws for revision. The one thing the Planning Board did get was the ability to deny a permit. Take section 5.4 and dissect it, it is still pretty vague.
- C. Blonder: The way it used to work was the Planning Board heard petitions first and then a month later it went to the ZBA.

Re Town Master Plan: P. Jones wants to show Olmstead and Essex Scenic byway. Burrill Street is really a mixed use area. The Historic Commission will request Board of Selectmen to form a committee to study to try and maintain the historic district. S. Belkin believes that Captain Jack's is the start of tearing down Humphrey St. Historic Commission wants to try and retain the look of Humphrey Street. P. Jones: It is important to keep the character of the Town.

A Board discussion of merits of business vs. residential followed. One suggestion is to have two Planning Board meetings per month to allow for in-depth discussion of Master Plan content. P. Jones: Public areas are very limited bylaws need to be stricter having a percentage of type of new development.

Meeting adjourned at 9:10 PM on Ippolito's motion, seconded by Potts and unanimously approved.