



TOWN OF SWAMPSCOTT

OFFICE OF THE

PLANNING BOARD

ELIHU THOMSON ADMINISTRATION BUILDING
22 MONUMENT AVENUE, SWAMPSCOTT, MA 01907

MEMBERS

PATRICK JONES, CHAIR
ANGELA IPPOLITO, VICE CHAIR
SYLVIA BELKIN
JEFFREY BLONDER
GEORGE POTTS

STAFF

HELEN KENNEDY, SECRETARY
S. PETER KANE, TOWN PLANNER

APRIL 23, 2012 MEETING MINUTES

Time: 7:15 – 8:30 pm

Location: Swampscott Senior Center

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

Others Present: Jill Sullivan (Board of Selectmen), Thomas Younger (Town Administrator), Pete Kane (Town Planner), William DiMento (attorney), Leslie Gould (resident, Lynn Area Chamber of Commerce), affiliates of zoning bylaw article for flag allowance, affiliates of Atlantic Crossing developers of Temple Planned Development District, list of attendees attached hereto

Meeting called to order at 7:15 pm.

PUBLIC HEARING FOR ZONING BY-LAW WARRANT ARTICLES

Chairman Jones announced there was a request to move the Temple Planned Development District zoning article hearing to the first item on the agenda. Blonder moved and Potts seconded the motion which was unanimously approved.

ARTICLE 18 – TEMPLE PDD REZONING

Bill Luster provided a brief description of the development plan evolution from receipt of RFP for the Town-owned Temple site which revealed that there were four considerations which raised the need for zoning changes. Proposals considered ranged from 42 units in a single mid-rise building (as currently zoned) to devising a design that would be appropriate to the area around the site and the character of the surrounding residential property; utilizing the property to its highest and best use, similar in character to the neighborhood. Atlantic Crossing did not think it would be possible to do 42 units and suggested the proposed 19 single-family lots. Renderings of sample homes were shared with the Board, along with an illustration of the units arranged around a half-circle road with access/egress from Humphrey Street. Atlantic Crossing has been working with the Town to develop the plan to allow it to move forward to presentation at Town Meeting on May 7, 2012.

Town Planner Peter Kane stressed to the Board that they should be thinking of this presentation in terms of zoning requirements and not home designs/subdivision plan.

Chairman Jones asked why descriptions were given for three side setbacks (north, south, east) but not for front setback. Mr. Luster explained there are three or four different home designs but agrees it would be better to be more flexible regarding frontage.

Jones also pointed out that the proposed by-law language was silent in not putting in building mass, wondering what the percentage would be – 30 or 35%. Mr. Luster explained lot size varies from 3,600 sf to a high of 6,000 sf with different style homes on different lots. Jones referred to the requirements in open space regulations. Town Counsel stated that the Board would have the opportunity to approve the plans, the Board of Selectmen will approve and once the plans are approved, then they can't be changed. The land disposition agreement sets a restriction going forward 30 years that will prevent changes to the exterior of the homes.

Blonder: How did you come up with the 19-unit number? Mr. Luster stated he has worked with similar designs. This would offer the Town the opportunity to provide a condo lifestyle in a single-family home setting. There will be a very simple homeowners' policy to ensure all landscaping will be done consistently and simultaneously. A management company will oversee the operation.

Homes will range from 2,250 to 2,600 sf, including a full basement, two-car garages with two parking spaces in front of each unit. The option of master bedroom downstairs in this two-level building with elevator service. Jones: Based on that, I think the 35% maximum building coverage would be achievable. Mr Luster responded that they will get the number and send it to Town Planner Kane.

Development group was asked about the reaction of neighbors – there were two group meetings and they also met with some individual neighbors. The reception was generally favorable with some concerns about traffic, access/egress from Humphrey Street, snow storage and the circular road. Some of the neighbors' suggestions have been incorporated in the proposed plans. Sidewalks will be 4' wide, not including the grass strips.

Belkin: Think you are on the right track; homes are being down-sized. A little overwhelmed at the density when driving by the development; that is a lot of homes. Landscape architect Rebecca Curran explained there will be street trees along the street and trees between the buildings.

Jones: Recommend changing the proposed language revision for section 4.5.2.4 from "single and multi-family" to read "single OR multi-family" to ensure that future developments would specify one of the other rather than a mixing of building types.

Mr. Luster explained that they are not providing a defined open space in the subdivision. Home prices will range from \$529K to \$639K.

Abutter Charles Donaghue of 19 Orchard Road was recognized and told the Board he has been involved in zoning from a young age. This area is possibly one of the nicest neighborhoods, possibly in Massachusetts. And this development will change the neighborhood. Town relies solely on property values and his concern is decline in adjacent property values. He asked about duration of construction; what kind of control Town will have once the property is sold. Jones was also wondering whether all the construction will be done at once, or one house at a time. It was pointed out that 80-90% of lots in Town are non-conforming. Michael Callahan, attorney for Atlantic Crossing, told the meeting there is a 20-page agreement spelling out how the building

will occur, also contains restrictions that anyone who buys the houses will be required to continue to uphold the restrictions. Jones stated again the importance of knowing the maximum building coverage in the development.

Jones recommended to Atlantic Crossing representatives to make some revisions and return at 6pm to attend the May 7th Planning Board meeting prior to the Town Meeting so the Planning Board can make recommendations to Town Meeting on the article.

ARTICLE 21 – SITE PLAN SPECIAL PERMIT GRANTING AUTHORITY

Jones stated that there are two Planning Board-sponsored articles on the agenda, the second of which proposes revisions to 5.2.2.1 Site Plan Special Permit Granting Authority and 5.4.3.0 Site Plan Permit Procedures. The Board will be withdrawing the article to have it sent back to the Planning Board for further study and intends to present it at the November Special Town Meeting.

ARTICLE 20 – COASTAL FLOOD AREA OVERLAY DISTRICT

Town Planner Kane explained that the current coastal flood area overlay district bylaw refers to the FEMA map of 1992. The proposed zoning bylaw revisions will reflect the new FEMA maps of 2012. He explained that the updates to the maps in regards to Swampscott focus primarily on revised code identification (Zone A is now Zone AE, Zone V is now Zone VE). He also noted that the bylaw update includes changes to reference to building code as the code has changed since the last update. He has maps available for review. Blonder recommended favorable action, seconded and unanimously approved.

ARTICLE 21 – SITE PLAN SPECIAL PERMIT GRANTING AUTHORITY

The board returned to discussion on the article regarding site plan special permit granting authority. Attorney Bill DiMento was recognized and told the Board he is attending regarding the 2009 bylaw revision which was intended to streamline the Planning Board and Zoning Board of Appeals petition review process. Per his reading of the present site plan special permit article, he felt the Planning Board should just recommend against it. ZBA needs to be trained in what the Planning Board usually does for site plan review. The Planning Board will take this under review before sending it. The ZBA can remand things back to the Planning Board under the current bylaw. Petitioners rarely come before the Planning Board.

Ippolito: Planning Board is an elected board; the ZBA is an appointed board. This is a process that needs to be plotted out between the two boards. It is not currently streamlined; it needs to a collaborative effort.

DiMento: Great that we have a Planner.

Jill Sullivan, Board of Selectmen: Thinks there should be a standing subcommittee for bylaw review to consider things on a regular basis. Set up a standing subcommittee which should always be sitting, even if it meets just quarterly and she would make herself available to serve on it. Former Building Inspector Joe Latronica kept a running tab of problems with language of bylaws. In setting up the previous subcommittee, a public letter of interest was sent out inviting interested applicants to apply and listing skilled architects, landscape architects among types of experience which would be helpful. An announcement was made at Town Meeting that this

subcommittee would be formed and provided information on the search for members to sit on the subcommittee.

ARTICLE 17 – FLAGS FOR COMMERCIAL PURPOSE IN B-1, B-2, B-3, AND I DISTRICTS

Jones turned to the resident-sponsored article proposing flags for commercial purpose in the business and industrial districts. Leslie Gould, president of the Lynn Area Chamber of Commerce, told the Board businesses want to be able to fly signs saying the business is open and regulations must be spelled out. Ippolito said she is 100% in favor of flags but there needs to be consistency in material and style and in the manner in which the flags are hung. Should be hung at a specified angle and height and using specified hardware. Ms. Gould will produce the edited language, incorporating some of the material from Marblehead’s regulations (such as number of allowed flags, limit usage to business hours, height at which to mount flag, material to be used). This language will be presented to the Planning Board on May 7th at 6pm at the pre-Town Meeting Planning Board meeting. An advance copy of the information will be shared with the Planning Board. Jones remarked that language has to cover the worst-case scenarios to ensure compliance. The discussion will be continued at the May 7th meeting.

OTHER BUSINESS

The Board discussed the need to have the Orloff project return to the Planning Board as the proposed and approved site plans called for six individual businesses however a restaurant wants to rent three of the six spaces – which requires changes to buildings egresses and exterior façade.

Meeting adjourned at 8:30 pm.