



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

JUNE 11, 2012 MEETING MINUTES

Time: 7:17 - 9:00 pm

Location: Swampscott Senior Center

Members Present: A. Ippolito, S. Belkin, J. Blonder

Members Not Present: P. Jones, G. Potts

Others Present: Pete Kane (Town Planner), Kenneth Shutzer (attorney), Tariq Milton (petitioner), Aaron Milton (petitioner), David Halliotis (architect), Phil Brienze (petitioner), William DiMento (attorney), Thomas Groom (petitioner), 20+ residents

Meeting called to order at 7:17 pm by Vice Chair Ippolito (seated as chair for the meeting).

MEETING MINUTE REVIEW & APPROVAL

Board members reviewed meeting minutes from May 21 meeting. Unanimous approval of the minutes.

PETITION 12-5 – ARCHER ST INDEPENDENT LIVING FACILITY

Attorney Kenneth Shutzer representing the petitioner was recognized and told the Board the peer review study for the storm water and drainage report has not moved forward. There is a delay in identifying engineering firms from which one would be selected to conduct the peer review. Jeffrey Blonder motioned to continue this hearing until July 9, 2012; unanimously approved.

PETITION 12-11 – 67 SALEM ST DEMOLITION OF EXISTING SINGLE-FAMILY HOME AND GARAGE AND CONSTRUCTION OF NEW SINGLE-FAMILY HOME AND GARAGE

Aaron Milton, brother to petitioner and co-owner, was recognized and stated that his architect had revised the plans for the home based off the previous ZBA hearing. Peter Kane reviewed the background of this petition for the Board and outlined the revised plans submitted by the petitioners (dated June 6, 2012). Changes include: removal of garage which will not be replaced; the 4,000 foot construction has been reduced to 3,016 sf; new house has been moved from left to right on the property in response to abutter request. Mr. Kane outlined storm water solution proposed by the petitioner and reviewed the trees marked for removal as indicated on the plans. Aaron Milton told the Board the driveway will be paved at a slight decline toward the street and a Cape Cod berm will be placed on both sides of the driveway to channel rainwater.

Nelson Kessler, member of the Conservation Commission, told the Board there is underground drainage from Salem Street to Humphrey Street which takes water into the pipeline to the beach about three blocks away.

Vice Chair Ippolito said the Board wants the abutters to be happy. Mr. Milton confirmed the abutters were aware of the proposed changes and that there is no problem with neighbors on the right side and the problems for abutters on the left side have been resolved. No abutters were present at the meeting. Jeffrey Blonder motioned to approve the plans as outlined; unanimously approved.

**PETITION 12-12 – 215/225 BURRILL ST FOR REVISION TO PREVIOUSLY-APPROVAL
CONVERSION OF FUNCTION HALL INTO A 7-UNIT MULTI-FAMILY APARTMENT BUILDING**

The new owner and developer Philip Brienze and architect David M. Halliotis presented a revised version of the front elevation based on the original petition 12-12 application materials which included proposed elevations along with previously-approved elevations. This petition will be heard at the ZBA hearing on 6/20/2012.

The following is a recap of the discussion: the land strip that is on the right side of the property (train tracks run on left side) is Town land (paper street) however Mr. Brienze has no problem with planting shrubs there if the Town will allow. The previously-approved windows did not permit safe egress; current proposal is to replace the windows of the current size which do permit egress.

Ms. Ippolito and Mr. Brienze as well as the other Board members walked through changes to be made to the previously-approved plans. Part of the confusion arises from the pages presented by the petitioner/ architect have the same date but detailed different designs for the same elevation – no way to reference properly. The revision provides for French doors on the upper level. Ms. Ippolito will provide Mr. Brienze and the architect with the Historical Commission letter listing the approved historic colors.

Board questioned where the dumpster will be placed now that there are windows at the location in the new plan. Location is important for trash pickup access. Mr. Kessler told the Board that a building with more than four units has to take care of their trash removal and space for the containers will still be required.

Mr. Brienze told the Board the floor plans for the seven units will remain the same as previously approved. Ms. Ippolito listed on the new front elevation page the items which need to be included in the Planning Board comments to the ZBA: vinyl exterior siding, shutters, fenestration above sidewalk-level windows/ doors, dental molding along roof line, correct dimensions and location of windows, door added at the left side of the main front door, site plan showing location of trash receptacles, and a complete set of plans incorporating all numerous changes from the plans previously approved. The three windows shown on the original plan will be changed to one window (along sidewalk-level). A site plan is required for presentation to the ZBA on 6/20/2012.

Vice Chair Ippolito moved the petitioners submit the plans, including all changes for Planning Board and ZBA review. Request architect Halliotis submit a PDF of complete plan to Planning Board Secretary Helen Kennedy to be presented to the ZBA members for review as soon as possible. Unanimously approved.

PETITION 12-17 – 71 GREENWOOD AVENUE PROPOSED REDEVELOPMENT OF GREENWOOD AVE MIDDLE SCHOOL

At the opening to review the petition, Attorney Shutzer was recognized and told the Board he is representing the abutters to the property. He stated that the application for zoning relief (which included Planning Board review) is flawed under 5.4.9.0 of the town's Zoning By-law. Peter Kane said Mr. Shutzer's reading is correct however the filed application sought site plan special permit from the ZBA.

Mr. Shutzer repeated his statement that what is before the Planning Board tonight is not an "site plan review," it is a request for opinion to the ZBA. You need an application to be made to the Planning Board for a site plan review under 5.4.9.0 of the bylaws. Mr. Shutzer "read the appropriate language for the record to preserve the record."

Attorney DiMento representing the petitioner said they are requesting site plan review which involves Planning Board to hear this in an advisory role to the ZBA. There are only three Board members present, need four to make a motion. He is here with the experts to brief this Board for site plan opinions. We would be happy to use this time if you would like to hear us describe the project. Messers Vloke, Hayes of Hayes Engineering, Bergeron and Petitioner Groom all present. They want to inform the Board and the public to address issues of egress.

P. Kane told the Board that Mr. Shutzer is correct that the PDD (based on the read) does require a site plan review however the meeting notice would have been exactly the same.

Mr. Shutzer: Before, your role would have been an opinion. This is how it was before the bylaws were changes. He feels badly that Mr. DiMento brought his crew here tonight. Rather than go through this process which is flawed. This hearing is the second time that the Planning Board can have an impact (since the bylaw changes) which will stand as an independent finding, not dependent and subject to the ZBA. Anyone who came this evening expecting a recommendation of Planning Board, this Planning Board decision stands on fallacious opinion. Board should do it and do it correctly.

Vice Chair Ippolito agrees. This is quite a catch; never saw this in reading the bylaws. Because of the complexity of the project and because it is such an important decision to make, I would like the opportunity to see it twice. Want to have the advantage of reviewing this project without having any obligation, so we will feel secure.

J. Blonder: We have no application for site plan review in the bylaws. Feel uncomfortable taking something that is not on the table, to have any discussion is not what I want to see.

Mr. DiMento: If Planning Board wants to hear...

Ms. Ippolito: There is no site plan review application; can't hear it tonight due to incorrect filing and incorrect notice.

NEW BUSINESS

J. Blonder suggested trying to pass Community Preservation Act (CPA) again. Need to coordinate with committees and boards in town. J. Blonder and S. Belkin briefly debated the pros and cons of artificial turf as an aside.

P. Kane: Can use the CPA funds to renovate parks that have become dilapidated, under proposed changes to CPA. For next meeting, will have the whole Board discuss whether they want to pursue CPA again. He will provide information about how other communities are using their CPA funding.

A. Ippolito: Hearing 71 Greenwood tonight in light of the bylaw finding would have done nothing – take it out of ZBA court.

J. Blonder: You cannot deny a site plan review as long as it meets the bylaws; you can approve with conditions.

P. Kane: Bylaw doesn't say the Building Inspector enforces conditions included by the Planning Board in their approval of site plan – conditions need to be attached to building permit.

A. Ippolito: Planning Board members need to be really well prepared before hearings. Will email all Board members to review agenda items in detail before the meetings.

COMMUNITY SURVEY REPORT

Community survey report discussion deferred to July 11 Planning Board meeting. P. Kane said he received Ms. Ippolito's suggested revision and invited other members to provide any comments to him.

OPEN SPACE & RECREATION PLAN COMMITTEE

P. Kane: The Selectmen agreed to establish an Open Space & Recreation Plan Committee. Would like a representative from the Planning Board to participate in the new committee.

J. Blonder's motion to recommend A. Ippolito as Planning Board representative on the committee; approved by all members present. Open Space Committee concept was discussed by P. Kane with Recreation Director D. Strauss on need to improve/maintain beaches and parks (from Planning Board community survey). The Open Space Committee will have three people at large and Sarah Darling Pruett of 95 Bellevue Rd who is present at tonight's meeting will complete a volunteer application online.

NEW BUSINESS

Motion to adjourn. Meeting adjourned at 9:00 pm.

Helen Kennedy
Planning Board Secretary