



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

AUGUST 13, 2012 MEETING MINUTES

Time: 7:00 – 10:00 pm

Location: Swampscott Senior Center

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

Others Present: Pete Kane (Town Planner), Kenneth Shutzer (attorney), Tomasz & Jerzy Wabno (petitioners), Tom Groom (petitioner), Bill Bergeron (civil engineer), Jim Velleco (architect), William DiMento (attorney), Charles Hamm (traffic engineer), Katrina Powell (press – Swampscott Reporter), 28+ residents (see attached sign-in sheets)

Meeting called to order at 7:00 pm.

MEETING MINUTE REVIEW & APPROVAL

Board members reviewed meeting minutes from July 9 meeting. Unanimous approval of the minutes.

SUBDIVISION CONTROL

12ANR-1 – 19 & 21 BUENA VISTA STREET

Chair Jones explained that the application request for “approval-not-required” was to subdivide 21 Buena Vista St property in order to add a portion to 19 Buena Vista St property. Chair Jones told the petitioners that the Planning Board signatures on the ANR does not mean it meets all the zoning regulations (parcel dimensions). On a motion made by J. Blonder and unanimously approved, Chair Jones added a stipulation on the mylar document that “The above endorsement is not a determination of conformance with the Town of Swampscott Zoning By-Law requirements” and all board members signed off.

SITE PLAN REVIEW

PETITION 12-5 – ARCHER STREET INDEPENDENT LIVING FACILITY

Attorney Kenneth Shutzer requested a continuation to the September 10, 2012, Planning Board meeting because the project engineer is in the process of answering questions from the peer review. J. Blonder moved and the Board unanimously approved the continuation to September 10.

12SPR-2 – 71 GREENWOOD AVE (REDEVELOPMENT OF OLD MIDDLE SCHOOL SITE)

Attorney William DiMento informed the Board that the applicant felt that member Sylvia Belkin should not be seated during the review of this site plan in light of the contents of a letter to the editor (Swampscott Reporter) she recently had published. Mr. DiMento however is not filing a formal complaint at this time but wanted to raise the issue so that the Board was informed of the concern. Ms. Belkin was recognized and stated her letter included her name and address and she wrote as a private citizen and resident of Swampscott. She takes umbrage at these remarks, stating the taking of the rights of private citizens is very punitive. Mr. DiMento stated “you site in a quasi-official position. You are sitting on this Board as a judge and you have the right to impose conditions as you see fit. You are much more in this community and have been outspoken on many things. It is not fair to a litigant to come before you. We are not judging you.” Mr. DiMento stated that it was their belief that Ms. Belkin had a responsibility to state in her letter that she sits on both the Planning Board and Historical Commission. He was concerned that through the letter she has passed judgment on a project review that is still in process. The matter was then closed and the review initiated.

Chair Jones called upon the applicant to begin their presentation. Mr. DiMento reminded the Board that at the last meeting, abutters were told their input would be heard first at tonight’s meeting. Chair Jones said before moving forward, there are a lot of questions and concerns he hopes to address first. J. Blonder said he would rather the Board hear answers first and then take public comments.

Mr. DiMento said there were concerns about traffic, questions of traffic entering and leaving the site, water runoff from the site and parking proximity as well as car lights shining into adjacent homes all raised at the previous meeting. Mr. DiMento introduced traffic engineer Charles Hamm who conducted the traffic study to explain why he did or did not do certain things. Mr. Hamm said he did a detailed traffic analysis for safety and accident analysis. Using charts from the Traffic Impact and Access Study, he displayed data at specific intersections at peak hours (7-9am and 4-6pm). Mr. Hamm said he did notice a line from Rt 129 (Humphrey St) to King St. He found only one accident recorded in this area in the last three years (data from MassDOT). He reminded the audience that there was a lot of traffic generated when the site was a school.

Vice Chair Ippolito inquired about how unsafe the existing two egresses to the property are and asked for clarity as to why they recommended one egress as opposed to two. Mr. DiMento introduced Bill Bergeron of Hayes Engineering who replied that the existing entries are unsafe because the stone walls abutting the entrances are not set back far enough (presently only about 8’) and they should be 14.5’ back from the curb line. Sight distance looking up the hill is seriously below safety standards currently. Existing conditions are unsafe, proposed conditions would be safe. Vice Chair Ippolito said it was her understanding that the wall was going to remain due to historic components. Mr. Bergeron confirmed that the north and south existing walls will be kept. Vice Chair Ippolito also stated so many abutters have been concerned about cars turning in and having to make a sharp left turn and automobile headlights shining into the homes across the street on Greenwood Terrace. Mr. DiMento said the architect will make a presentation to show that those houses on Greenwood Terrace “don’t get nailed” by the car headlights. Responding to a question about two-way traffic in and out of the 41-unit site, the answer was vehicles will be exiting on average at 3-minute intervals during the peak period. Mr. Bergeron did turning movements with Swampscott’s large new fire truck and having two-way traffic would not accommodate the equipment as the tail end of the truck is 16’ from front of vehicle.

Abutter Ed Moll (64 Greenwood Ave) asked if the width of Greenwood Ave has been studied. Sidewalks are flush with the street and people park on the sidewalks which makes the road very narrow and causes people to walk their dogs on the street. He observed the road is only about 1.5 lands because of parking. The no parking signs on one

side are not observed. Mr. DiMento said that is a matter for the Police Department and the Traffic Study Committee. Mr. Moll is also concerned about massive traffic during construction. Both Chair Jones and Town Planner Kane repeatedly urged abutters to write to the Traffic Study Committee and attend their monthly committee meetings as the issues being raised relate to existing conditions. Both they and Mr. DiMento reminded the audience that the Planning Board is not allowed to put on traffic restrictions. Mr. Moll remarked that from his perspective, there is a pre-existing condition and he doesn't believe there will be no impact on the neighborhood with the development.

Abutter Freddy Phillips (57 Greenwood Ave) told the Board people gun their engines to get up the hill. He does not believe the study is accurate. The Board made another reminder that this topic is a matter for the Traffic Study Committee.

Abutter Fiona Barrett (72 Greenwood Ave) pointed out that the proposed site entrance is directly facing the front of her home. She asked if the one central entrance/exit is wide enough and asked about turning-circle studies.

Abutter Kathleen Greehan (79 Greenwood Ave) told the Board this project has such an impact on the three houses across the street. Doesn't remember any accidents in all the 40+ years she has lived there. She lives on corner of Greenwood Ave and Greenwood Ter. There are 12 families living on Greenwood Ter and any additional cars will have an impact. Where there was any activity at the old school, all overflow cars would park on Greenwood Ter. Has anyone studied the fire engine getting down Greenwood Ter?

Abutter Connie Goudreau (61 Greenwood Ave) told the Board when the site was a school, all traffic came and left at one time. With these condos, traffic will be a lot better. Ms. Greehan responded that the condos will mean headlights going in and out 24/7.

Attorney Shutzer stated to the Board that they have five or six major issues to address; findings that have to be made relative to 5.4.8.9 of the bylaws. "Will we get to go through the five or six findings the Board has to find?"

Chair Jones stated "It is our intention to get through all of these. I have no preconceived notions as to whether we will tonight, but we need to hear what the community has to say. I know people want to drive fast because they don't live on that street. I am really adamant about going to the Traffic Study Committee and making suggestions to correct people parking on sidewalks. We need to be concerned about crazy drivers coming up and down the street."

Mr. Shutzer: "We are looking from the wrong perspective; we are trying to find ways to minimize traffic. You can change the adverse traffic impact by addressing this proposal and working backward and by imposing conditions." He objected to the opinion of Town Counsel "trivializing" the Board's authority. "No one ever told the Planning Board their decisions are restricted. The Board needs to keep an open mind in their findings." He was concerned of losing sight of the impact on the neighborhood. Mr. Shutzer vowed to follow the paper trail to determine who from the Planning Board requested Town Counsel's opinion. Town Planner Kane told Mr. Shutzer that he, as the Town Planner, had requested opinion from Town Counsel.

Chair Jones stated that he has a lot of suggestions when the Board gets to the meat of the review on a number of issues that Town Counsel might think are not in the scope of the Board.

Regarding the site plan, Bill Bergeron (civil engineer) and Jim Velleco (architect) have done studies regarding the headlights. They started by looking at the path coming from the curb cut into the Greenwood driveway going into the underground garage. Elevations are very important in determining headlight issues after dark. The street is 123' above sea level. Cars enter the site and hit a height of 125' prior to turning left to head to the garage. Those vehicles then head down the driveway to an elevation of 120.5' and ultimately to 118'. The neighbor to the north

(79 Greenwood Ave) first floor starts at 130', with the property land at 125'. They are proposing a retaining wall (on the project site) that will ensure the adjacent property remains at 125'. There is then a 7' tall fence proposed (on the project site) above the retaining wall and set back to allow for plantings. Various illustrations were displayed including a section of the garage ramp with cars coming out of the garage facing the retaining wall and fence. Retaining wall from the point of view of the driveway is 4' high and light is all focused on the retaining wall. L1 Landscape Plan shows wood posts and solid wood board fencing and there are tall evergreens that will exceed 7' in height. The landscaped corner to the left of the driveway has a high point of 127' (with the driveway being lower as it drops to the garage entry). Chair Jones noted that he did not see a landscape schedule of the types of plants. James Emmanuel (landscape architect) said they would use something like arbor vitas coming from the back going toward the front with juniper toward the corners and going to the garage. Privett would work and it gets really tall (up to 15') or may use deciduous tall plants with many branches.

Mr. Shutzer noted that the plans do not show the 20' buffer (between property line and parking lot) and that it's required in the bylaws. Chair Jones responded that the 20' buffer was brought up at the last meeting and they were trying to get to the plantings. Town Planner Kane said the 20' buffer is also part of the zoning relief the applicant is seeking from the ZBA. Abutter Greehan said her house faces the school and she is concerned about noise of car doors opening and closing. Architect Velleco said that the noise from a garage door can be eliminated by using top-of-the-line doors which can't be heard by neighbors sitting on their porches. Chair Jones stated he is concerned about the lack of buffer and lack of planting and type of plants. He suggested they could put in trees that will grow higher in 30 years. Architect Velleco said that if there are concerns, they could use other options in landscaping.

Mr. and Mrs. Winkler (15 Greenwood Ter) said they were concerned about the corner (northwest) of the driveway and the amount of cars traveling there. There's a treehouse right near there on an abutting lot and they're concerned about possible exhaust fumes. Mrs. Winkler said she has lost three arbor vitas in the past and doesn't see any reason why there isn't a 20' buffer. She wants to see meaningful outdoor space on the Greenwood property. Regarding Town Counsel's letter, this project is not "as of right." The 20' buffer is required in the bylaw and she wants to see the 20' buffer.

Martin Goldman (3 Ingraham Ter) was recognized and said this whole project is more than just a neighborhood concern; It is a town-wide concern. He briefly mentioned Ms. Belkin's letter to the editor and Chair Jones said he had voted against retaining the original façade. Mr. Goldman said he doesn't know why neighbors object since 90% of residents would be more interested in the revenue and not the façade.

Chair Jones stated he is trying to understand what can be done to get the space to be within the 20' required by the bylaws. He asked Mr. Groom (applicant) how many spaces are being deeded to each unit; Mr. Groom said they are allowing two per unit with though one deeded per unit with the extra acting as overflow parking. Vice Chair Ippolito asked about eliminating surface parking spaces. Mr. Groom is open to other options like having two large garages each accommodating three cars. Chair Jones wants to look at ways to try to maintain more of a buffer in the northeast corner.

Mr. Shutzer: What seems to be problematic is that the structure doesn't change at all, squeezing everything in 41 units. Town Meeting spoke to having that buffer, scale the building back, go with "as of right." There are a plethora of conditions which could be imposed. Making a smaller project, have more room, bigger buffer.

Chair Jones: May answer – as part of conditions, have more of a buffer and let them work with the number of units they are looking for.

Mr. Velleco said there are no lights on the building, all below the decks. No lights allowed outside of the building will be over 3' high. Abutters from 31 Fuller Ave are concerned about lights from units and line of sight into adjacent properties.

Ms. Belkin said petitioners have not shown the building relative to the neighborhood.

Chair Jones: Parking is supposed to be only on one side of the street on Greenwood Ave. A lot of homes on the street don't have driveways.

Attorney Shutzer: Asking for relief to reduce the number of spaces is one option to consider. An abutter is "thrilled" about setbacks required in PDD and the 20' buffer would make a big difference.

Chair Jones thinks it's a lot harder to get down to 126' from the driveway and there is not enough buffer on the north side. Mr. Velleco stated that lighting on the sidewalk will be on pole lights 12' high and they will be shrouded to direct light down. Footpaths will have garden lights and there are four carriage lights (two on each garage).

Chair Jones: It's 9:46pm and there are still some issues which have to be decided. I don't believe we're ready to make a recommendation to ZBA but want to see some redesign to increase buffer required in bylaws.

Attorney Shutzer: This has nothing to do with ZBA. You are making independent findings. You are not functioning under any other guise.

Chair Jones motioned to continue this site plan review to the September 10 meeting. Motioned seconded by J. Blonder and unanimously approved.

NEW BUSINESS

After a brief discussion, the Board agreed that members are responsible to the public to acknowledge that they are on the Board when making public comments regarding projects under review – so long as they are making those statements as private citizens and not on behalf of the Board.

Chair Jones wants an understanding from the Board members regarding what they want to be sure to cover at the next meeting (for 12SPR-2). Vice Chair Ippolito said traffic was a major issue for her, she is not convinced they need to go to one entrance and suggests each member go through all the bylaw steps and list out what they are okay with and/or what problems/concerns they have. J. Blonder stated that the role of the Planning Board is to give direction. Chair Jones referred to the Town Counsel opinion and said there is a question with the way to impose limits for setbacks etc. If it is a requirement to make it. Ms. Belkin thinks the fiscal projections are way too high. Chair Jones said he will check with Tom (Town Administrator) regarding the question raised by Mr. Shutzer whether there's a conflict of interest with Town Counsel providing opinion on a project that focuses on a Town-owned property. Topics of concern will be sent to Town Planner Kane who will rank them in order of importance to ensure they are explored at the September 10 meeting.

Members then discussed the potential of a special meeting in September (instead of the standard monthly meeting on Sept 10) for the review of 12SPR-2. Members will look at their availability and will inform Chair Jones or Town Planner Kane.

Town Planner Kane passed out the draft letter to the editor and letter to Selectmen regarding creation of the Zoning Bylaw Review Subcommittee. Members were asked to send any revisions or comments to him in the coming week so that they could be released.

Motion to adjourn unanimously approved at 10:45pm.

Helen Kennedy
Planning Board Secretary



TOWN OF SWAMPSCOTT

OFFICE OF THE

PLANNING DEPARTMENT

S. PETER KANE
TOWN PLANNER &
ENERGY EFFICIENCY MANAGER

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

SIGN-IN SHEET

Planning Board
(Meeting/Event)

8/13/2012
(Date)

NAME (Print / Don't sign)	ADDRESS	AFFILIATION
CONNIE Goudreau	61 GREENWOOD AVE	Abutter to SMS
ALBERT MARGESON	31 FULLER AVE	FLOOD CONCERNED
Noah Walsh	15 EUREKA AVE	ABUTTER TO P-12-5
Fiona Bowen	71 Greenwood Ave	Abutter
Elizabeth Margeson	31 Fuller Ave.	Abutter
FRED Bollen	52 FULLER AVE	Abutter
Deb Sierberg	51 Fuller Ave	Abutter
Paul & Joe Crest	47 Elwin St	Abutter
Michael McCune	64 Fuller Ave	Abutter
CHRIS SPANER	32 GREENWOOD TER	Abutter
JEFF SPATOU	" "	" "
Ingeb Bentric	29 Eureka Ave	
Joan McLaughlin	Joking St	abutter
Susan Minardi	131 Walker Rd	Neighborhood Council
Andrew Epstein	99 Rockland St	ABUTTER
Sergey Sokol	82 Foster Rd.	
Gerry Melichan	23 Vaughn Pl	
Gelina Sokol	82 Foster Rd.	
Jill Sullivan	43 Lincoln House Pt.	Resident
Pat Makup	23 Eureka Ave	Abutter
Betsy Watson	4 AULU St SWAMPSCOTT MA	
Elen Winkler	15 Greenwood Ter	Abutter
Madeline Lewis	88 Greenwood Ave	

