



# 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

# OCTOBER 9, 2012 MEETING MINUTES

## *MONTHLY PUBLIC MEETING*

**Time:** 8:00 – 10:00 pm

**Location:** Swampscott Senior Center

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

**Members Absent:** P. Jones

**Others Present:** Pete Kane (Town Planner), Ken Shutzer (attorney), Ralph DiGiorgio (petitioner), Rick Salvo (engineer), Carin Herring (petitioner), Gerald Herring (petitioner), James Kelliher (arborist), David Shayeb (petitioner), David Berner (architect), Sarah Pruet (resident)

Meeting called to order at 8:00 pm by Angela Ippolito, Vice Chair (acting chair for the hearing).

## MEETING MINUTE REVIEW & APPROVAL

J. Blonder made a motion to approve the previous meeting minutes (Sept 10 & 24, 2012). Seconded by S. Belkin – unanimous approval.

## SITE PLAN REVIEW

### PETITION 12-5 – ARCHER ST INDEPENDENT LIVING FACILITY

As the Board only had three members present at the opening, motion was made to hold off review of 12SPR-3 (33/39 Shelton Road) until a fourth member was present. Board moved to begin the site plan review of petition 12-5 Archer Street Independent Living Facility.

The Board recognized Ken Shutzer, attorney representing the petitioner. Mr. Shutzer stated that this site plan review is essentially a continuation of the March Planning Board meeting. Because of neighbor concerns and ZBA desire, a peer review of the storm water calculation and drainage plan was performed. The review took a number of months as the Town secured a reviewer and then the reviewer and project engineer clarified a number of questions with the report. The drainage study showed that the storm water is not being added (increased) and the plans were validated through the peer review. The traffic study has shown that the project will not increase a significant amount

of traffic. They also now have the covenant for the development to show the age restriction. The development is twice the size in lot area than the Temple site with about the same amount of units. As a result of the six-month delay, they have decided to reduce the number of units to 15 to be more pleasing to everyone.

When asked about the age-restriction details, Mr. Shutzer explained that section 11 of the deed requires that the owner reside in the home and be over 55. A. Ippolito asked if she could move in with her teenage son. Mr. Shutzer said that the deed restriction says no one under 25 is allowed unless the association approves. A. Ippolito agreed that the project definitely seems to serve a housing need for the 55+ population. She is concerned with guaranteeing that age restriction. Mr. Shutzer said that there must be certification given to the association of resident age. He doesn't think that people will forge documents in order to live there. It will be a selective community (fitting within the limitations of the Fair Housing Act). It is meant for people looking to downsize but have single-family homes and not an apartment unit. He notes that the zoning bylaw "encourages" people to develop this unit type – based on the wording of section 3.6.0.0 "Assisted and Independent Living Facilities." This site is being developed last because the site is so expensive to develop. The traffic study was interesting because it shows that 55+ calculations use different elements. Not everyone lives there year-round.

A. Ippolito pointed out that the site doesn't include any on-site amenities for residents nor sidewalks. Mr. Shutzer said that the scale and resident type doesn't really need on-site amenities nor sidewalks. Rick Salvo (project engineer) said that they've included a 5' grass strip along the private drive that can easily be used for a sidewalk in case the boards require it. J. Blonder stated that he really thinks they need it. "People my age like to walk." He said that they'll want to walk around the property and the nearby neighborhood. Mr. Shutzer then asked what type of sidewalk design the board was referring to and noted that One Salem St uses grassed sidewalks. The Board stated they were referring to a standard sidewalk.

A. Ippolito then noted that a fiscal impact statement hadn't been provided and wondered if they had made any consideration for affordable units. Mr. Shutzer said that the project isn't a 40B and that if it was affordable, there would be more units.

The Board then moved on to discuss drainage. Mr. Salvo provided an overview of the drainage for the site – current and proposed. He noted that there are two main tributary areas at the site. A natural detention area in the northern corner collects rainfall that hits the northern half of the site. The southern half of the site under current conditions flows to the west and onto Archer St. They looked to reduce this or ensure they weren't making the storm water any worse. The small reduction number seen in the calculations was for the area that currently drains to the wetland to the north – it's already working well and so an improved (reduction) is difficult. The new detention basin will be able to take that north/eastern area along with all water falling on the roofs and roads. That water will then be slowly let out of the detention basin after the storm. The area that used to flow to the west toward Archer St has less rain surface area due to the roofs and paved surfaces now being diverted to the basin – making the Archer St situation better. He then detailed the reductions at each design point for each storm type. A series of catch basins are located along the lower point of the drive. Vaughan Place actually pitches into the site. J. Blonder asked if there was anything else they could do to reduce the runoff any further; if money was no issue. Mr. Salvo explained that there are many existing issues for the Archer St area that are actually coming from other areas rather than this site – so no, it wouldn't be possible.

A. Ippolito asked how much excavation in volume would be needed. Mr. Salvo stated that all the cut will be used as fill elsewhere on the site. This is a balanced site. This will minimize the trucking on/off the site. G. Potts asked if there was ledge at the site which Mr. Salvo confirmed there was; 80%. A. Ippolito then asked what was being added

to the fill in increase the absorbency. Mr. Salvo said that BSC had noted there was a need to verify the infiltration rate which they've now specified.

J. Blonder asked who would be maintaining the drains and such. Mr. Salvo said this would be handled privately through the association as it's a condo development.

G. Potts inquired about the height of the retaining wall (along the private drive) which Mr. Salvo said would vary between 5 and 10 feet.

Other details were outlined: if they started tomorrow, ground prep would take a couple months; price point of the homes will be \$499,000 and up; condo fees have not been determined yet but will cover such items as plowing, trash, and maintenance; it will be hooked into town sewer and they intend on using gas rather than oil.

When asked if they had received a revised comment form from DPW based on the very latest drainage and site plans, Mr. Salvo noted no, not for this update but DPW had provided an earlier update after some earlier revisions in the process.

Ralph DiGiorgio (petitioner) stated that the project timeline will be based on the sales of the homes. They like to be done in 24 months. After the model units are complete, they intend to build based on sales (semi-custom).

J. Blonder made a motion to recommend favorable action by the ZBA with the condition for sidewalks, but withdrew it upon statement by A. Ippolito that she couldn't second it.

A. Ippolito stated that she wanted to explain why she couldn't second the motion: "I've gone through all the work that you've done from the initial submission and the work you've done since then. I think this project requires too much being done for this lot. I think it'll have a very negative impact on the neighborhood." Mr. Salvo asked if she thought the construction project itself would be disruptive or the end product. She stated that it was the construction project that would be disruptive and said: "I understand all the work and specifics you've given. I don't think there's been any slippage anywhere and that you're trying to make it the best you can. I don't think there's anything you can do at this scale that won't be a negative impact on the neighborhood."

Mr. Shutzer said that based on the March meeting, they did a peer review at the petitioner's expense to go over all the detailed information. It dealt with the major concerns by the neighbors - lessening the drainage problem. In short of nothing going up there, this is the best project that can go up there to have the least negative impact and best positive impact to the town.

A. Ippolito said that her discomfort comes from the concept of putting in a project on a site with significant issues based on geology. In an older, densely-populated area, there should be good support. "It doesn't seem like a sustainable project."

Mr. Shutzer explained that they are trying to make up for the indiscretions of the past. What they were asked to do was to come back with supported drainage numbers (Planning Board's March letter) and "we've done that." There are a lot of other bad projects moving forward in town. This is a large site with a small unit number and will be good for the community. Some of the most difficult projects bare the best fruit.

A. Ippolito said that she's felt uncomfortable with the nature of the project from the get-go. "The amount of detail shows that the project requires a lot of serious work. It's a difficult site." Mr. Shutzer responded that "there are

other projects in town that require a lot of work. Nowadays we require so much information. There was a request for this information.”

Mr. DiGiorgio stated “I’m a developer. We’re site contractors. I’ve done projects where I had to build the land in order to construct the building. I wouldn’t do all these studies if I didn’t think this project wasn’t worth doing. The main problem has been the drainage but that wasn’t something I did. If the Town followed up with the other property owners who built their homes there, the issues wouldn’t be what they are now.”

J. Blonder returned to his earlier statement by making a motion for favorable action to the ZBA with requirement for sidewalks to be included. G. Potts seconded the motion. Three members voted in favor (S. Belkin, J. Blonder, G. Potts) with one member against (A. Ippolito).

### **12SPR-3 – 33/39 SHELTON ROAD**

A. Ippolito opened the site plan review for the site plan special permit at 33/39 Shelton Road and recognized Ger Herring as petitioner.

Mr. Herring stated that they are proposing a single-family home with a site plan special permit because the finished space is just over 3,000 sf. Exterior is traditional with energy efficiency incorporated. They’ve performed site borings and a tree study of the site. They’ve also reached out to immediate abutters to let them know about the plans. They couldn’t get to all of them in person. The general opinion was positive. They worked with the Planning Department, DPW and Building Department to make sure the plans were all accurate. They have renovated a historic home in town and they’ve now outgrown that home and want something modern and energy efficient.

The Board then went through a few items which Mr. Herring clarified: the exterior will be fiber clapboard for long life; rodent control will be planned for construction; the “pile of fill” identified in the plot plan (dated August 13, 2012) is a dumping location but will be removed.

J. Blonder motioned to approve the site plan special permit. A. Ippolito seconded. Unanimous approval of the Board.

### **PETITION 12-28 – 6 SHEPARD AVENUE**

The Board opened the site plan review for the proposed additions at 6 Shepard Ave and recognized David Berner, project architect.

Mr. Berner explained that the project includes rebuilding the second floor and adding a new half story. The renovations total 1,200 sf of new space mostly on the second floor. He also explained that the work will not require any site work or landscaping.

S. Belkin asked if they have met with neighbors. David Shayeb (petitioner) stated that he has and that next week he’ll be having an open house to invite people over to give them the information.

The Board then walked through the various changes that will be made on each floor.

G. Potts inquired if they will impact any views for the neighbors. Mr. Berner stated “not that we’re aware of.”

A. Ippolito said “the height and scale is big. The height seems out of scale with the other homes around you. I’d recommend bringing down the third floor or find the space elsewhere.” She then asked what type of material they

would be using. Mr. Shayeb said that the home currently has vinyl siding that he installed in 2000 and that they intent to use that siding for the additions. “It looks like wood.”

A. Ippolito said that she was concerned with the size of the house. G. Potts stated that it seems the existing pitch of the roof makes much of the space unusable now but the additions just meet that roof line and make it usable. “It’s in a high traffic location and you’re not taking away any views.”

S. Belkin said that it would be great to see how the property relates to abutting properties, to give dimensional comparisons. Town Planner Kane noted that site plan special permit applications should include a locus plan that shows all abutting properties and the footprint of structures on those properties. The locus plan provided in the application only showed the direct abutting properties (not properties abutting on opposite side of street) and only small portions of the structures on those two properties.

A. Ippolito said that it’s a big house on a small lot. “Bigger than I’d like to see it. But also a lot of houses around there are doing the same thing. I’d be comfortable if you were just building out that second floor. The third floor throws it out.” Mr. Shayeb stated that the third floor is what would provide the water view. Because others have built up, his previous view of the water is now blocked. A. Ippolito then told the petitioner that they need to contact the abutters and let them know what’s being planned; wished the Board could see how it relates to other properties and surroundings. At this point, a few Board members pulled out their smartphone to view 3D maps as best they could of the area.

J. Blonder made a motion that the Board send a letter to the ZBA that the Board isn’t ready to make a decision until the petitioner has spoken with the abutters and shown a better plan that shows the project in relation to abutting properties. Seconded by A. Ippolito. Unanimous approval.

## NEW BUSINESS

### NEXT PLANNING BOARD MEETINGS

The Board reviewed their calendars for November and December. After a discussion, the Board decided on November 5 and December 10 to be the next board meeting dates.

### SITE PLAN REVIEW & SPECIAL PERMIT RULES & REGULATIONS

Town Planner Kane provided the Board with copies of the drafted “Guide to Site Plan Review and Special Permit.” He explained that Planning Board Chair Pat Jones, ZBA Chair Marc Kornitsky, the Town Administrator and he had been working over the past few months to develop a unified rules and regulations for the Planning Board and ZBA pertaining to site plan review. The guide includes portions of the old rules & regulations (which became obsolete with the Zoning Bylaw revisions of 2009), the current zoning bylaw regulations, and portions of the previous citizen’s guide to site plan review. Over the development of the new rules and regs, the group had decided it would be best to have one document that merger the citizen’s guide and board rules & regulations.

P. Kane asked that the board members review the document and provide him with any comments prior to October 29<sup>th</sup>. Both boards will then vote (at their respective meetings) in November on whether to adopt the regulations. He also noted that this will include a vote to increase the site plan application fee to appropriately cover (some) of the newspaper advertising fee which the Town now pays for but has gotten very costly. Because of the nature of the vote, it will require a two week legal notice in the Daily Item and be considered a “hearing.”

Meeting closed at 10:00p.

S. Peter Kane  
Town Planner

