



# 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

# MARCH 11, 2013 MEETING MINUTES

**Time:** 7:03 – 8:15 pm

**Location:** Swampscott Senior Center, 200 Essex St

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

**Members Absent:** P. Jones

**Others Present:** Pete Kane (Town Planner); John Sarkis (applicant); Bill Luster (applicant); Jim McDowell (site engineer); Phil Singleton (applicant); Michael Callahan (attorney); Rebecca Curran (landscape architect); ~25 others (see attached sign-in sheet)

Meeting called to order at 7:03 pm by Vice Chair Angela Ippolito, acting as Chair for the hearing.

## MEETING MINUTES

At the opening of the hearing, only three Board members were present (A. Ippolito, S. Belkin, and G. Potts). Board members reviewed minutes of February 11. S. Belkin stated that she liked the minutes but because she was not present for that meeting she could not vote to approve them. Board agreed to hold off on voting to approve until later in the evening when J. Blonder would be present.

## PETITION #13-5

Acting Chair Ippolito opened the site plan review for petition 13-5 at 267-269 Humphrey St. She stated that Humphrey Development LLC proposed to demolish the existing two-family dwelling and construct a new five-unit, multi-family dwelling with ten off-street parking spots. Petition seeks a use special permit and site plan special permit from the ZBA. A. Ippolito stated that the Planning Board would be conducting a site plan review tonight to provide comments/recommendation to the ZBA.

Project Manager John Sarkis appeared on behalf of the applicant. He stated that due to the illness of the attorney representing the applicant (Chris Drucas), they made a last-minute presenter change. He outlined the proposal to demolish the residence which is in the A-3 district and construct the new five-unit building with parking underneath at ground level. He stated the existing curb cut would remain as is. There are six parking spots underneath the building and four additional spots on the site (three in front of the building and one on the west side of the building). He said the building complies in all respects, including building height and lot coverage. He said that plans had been submitted last year to the Historical Commission by then-owner Charles Patsios. The plans before the Board

tonight has almost the same footprint with some changes to the façade. He explained that they foresee seniors living in these condo units. He confirmed that the side setbacks are 7.5'. He also stated that there is a nine-month demolish delay which was enacted by the Historical Commission in October 2012. There is a fire hydrant on the opposite side of the street. The question was raised by A. Ippolito about fire access to the building due to its length and lack of access on the east side. Mr. Sarkis said the building will have sprinklers installed.

Mr. Sarkis explained that there will be two units each on the first and second floor and one unit on the third floor. Units will range from 1,400 to 1,600 square feet with the third floor unit just under 2,000 square feet. Elevator service will go to all levels (basement to third floor). Mr. Sarkis guesses there will be some blasting for the proposed basement to accommodate storage, mechanicals, elevator and a recycling area.

A. Ippolito remarked that this is a big building and reminded all in the room that the Zoning Board of Appeals is the permit-granting authority for the project. She noted that the Fire Department had submitted comments requesting that the driveway be designed to support access to the building on three sides. Health Department requested sound barriers at the exterior HVAC equipment locations (via comment form).

Attorney Shutzer (representing immediate abutter Jody Watts) asked if the renderings are available for public viewing.

The Board and Mr. Sarkis then discussed the dimensions of the building. The existing building is 4,057 square feet and the proposed new building will be 13,373 square feet, with a height just under 35'. G. Potts asked how they measured the building height and Mr. Sarkis confirmed it was based on the bylaw requirement of average grade. He also stated that the street elevation is 25' and proposed building sits at an elevation of 26', lot area is 19,500 square feet to the water's edge.

Mr. Sarkis explained that the social impact of the building will be positive for tax revenue, serving an older population with no school-age children. Demographic will probably be empty nesters which may free up some private residences in Swampscott. Mr. Sarkis confirmed that they have submitted a waiver request regarding a traffic impact study.

S. Belkin said she had seen the presentation made to the Historical Commission in fall of 2012. She doesn't think that putting another overly-large building on that side of Humphrey Street is in character with Swampscott. She feels that the building presented tonight is three times bigger than what was presented to the Historical Commission. In terms of character and scale, she felt it is not appropriate for the area and will obstruct ocean views.

G. Potts said that when looking at the lot, this project will require a lot more lot coverage. He is concerned that the proposed building on Humphrey St will take advantage of low water mark.

Mr. Sarkis: Building levels will be stepped back from Humphrey St (terraced). The character of the building will be enhanced by materials similar to shingle style, similar to others in the neighborhood. Interior and exterior parking spots will be deeded. Aside from four open parking spots outside, all other will be covered. No parking relief is being sought. Distance from carport to the lot line is the standard parking lot width, just like a commercial parking lot. They had discussed the carport design with the Building Inspector. Carport is attached to the building and is not an accessory use.

J. Blonder raised concern about cars from parking spaces 1 and 2 and that with the blind spot there may be danger of colliding.

A. Ippolito asked how delivery trucks will make deliveries. Mr. Sarkis said a “good chunk” of deliveries will be from the street. Regarding drainage, Mr. Sarkis said the building will have gutters on all sides. Runoff will be captured in a permeable storage tank with overflow connected to town stormwater system.

Nelson Kessler of the Conservation Commission was recognized to address conservation concerns. In response to Kessler’s questions, Mr. Sarkis said the seawall at back is in very good shape and he doubts it will be affected by blasting. There are no trees on the property.

Mr. Sarkis also explained that car headlights should not be a problem as the area is flat and no change in driveway. His client will continue to work with abutters. Mr. Sarkis told Mr. Kessler that he thinks the distance from the building to the top of the bank is 25’. Asked about snow removal, Mr. Sarkis guesses the snow will have to be removed from the site.

J. Blonder is concerned that the beach is being cut off from the residents of Swampscott, cutting off views of ocean and height will have tunnel effect on Humphrey Street. Mr. Sarkis said no changes are proposed to the walkway along the ocean side. Nelson Kessler said there should be a gate at either end of the property on the ocean walkway. In response to a question from A. Ippolito, Mr. Sarkis said no notice of intent has been filed and owners don’t want present tenants to leave.

Attorney Shutzer was recognized and that in 1969, the original lot was subdivided (into 259 Humphrey St and 267-269 Humphrey St) and a right-of-way was created over 267-269 Humphrey for access to 259 Humphrey St (Jody Watts). The easement is only for the benefit of the Watts lot and not vice-versa. He also noted that in the A-3 district, anything over two units requires a special permit from the ZBA and is not by right. He pointed out that the lot does not have adequate frontage. Mr. Shutzer read the definition of “lot area” from the Zoning By-Law, noting the element regarding “under water.” He also produced a copy of the deed for 267-269 Humphrey St which states the lot area is 14,724 square feet although the project application states 19,500.

A. Ippolito said the Board can’t go forward with misinformation in the absence of Attorney Chris Drucas. Attorney Shutzer asked the Board to recommend that the petitioner withdraw without prejudice so the application can be refiled.

Abutter Jody Watts was recognized and told the Board she doesn’t want anyone on her driveway (easement does not extend onto her driveway); she believes it will cause problems from day one. Mr. Sarkis stated that he has instructed the landscape architect to place pavers to define property line and pavers will be used in exterior parking spots as well.

Attorney Shutzer said the issue of adequate frontage is a matter of case law. Mr. Sarkis responded that Attorney Drucas has legal opinion that the property is grandfathered and frontage is not an issue. Mr. Sarkis also stated that the lot size had been reviewed and they have a land use and title lawyer to research ownership, with the opinion that ownership extends to mean low water and report from surveyors. Attorney Shutzer affirmed that recorded deed states 14,724 square feet with irregular area at back.

Jody Watts explained that she will be overwhelmed between Concordia (at 253 Humphrey St) and this new building. She has concerns about right-of-way for her property which is not shown on the plan. The deed includes easement access of those at 267-269 Humphrey to cross 259 Humphrey at oceanside of property in order to get to walkway and stairs. The foot traffic will be increased from occupants of two units to occupants of five units. Her living level (first floor) is directly across from the carport, and she’s concerned about car headlights shining into her living

space. She also reminded the Board of pedestrian traffic on the sidewalk (people jogging and walking their dogs) and urged the Board to be very careful about how this project is approved. She feels this project will also make life difficult for other residents on the street.

Attorney Shutzer read into record the definition of lot area per Zoning By-law: “the horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least eighty (80%) percent of lot area required for zoning compliance shall be contiguous land other than that under any water body, bog, swamp, wet meadow, marsh, or other wetland, as defined in G.L. chapter 131 section 40, as may be amended.”

Ellie Miller of Greenwood Ave was recognized and said she is concerned about what is happening to the town. She feels this is another situation where character is being lost, a big structure will be a behemoth, feels like she is in a dark zone on Humphrey Street which is changing the quality of life. She asked if from the Town standpoint whether it is possible to redesign the building. G. Potts stated the property owner has to do what the Town allows him to do based on zoning. He said “you could approach the owner and buy the land from him or citizens could buy the site and preserve it as open space.”

A. Ippolito reminded others that the Planning Board is acting in an advisory role to the ZBA for this project. The Planning Board findings are passed along to the ZBA to include in their deliberations.

Nelson Kessler asked why they don't plant bushes along driveway to hide headlights. Mr. Sarkis explained that if they did, they would be blocking access over the driveway easement, blocking 259 Humphrey St. Jody Watts responded that bushes are a better solution than pavers. Mr. Sarkis stated that they want to come up with something to resolve this.

It was noted that parking areas that include more than six cars are considered parking lots by the Zoning By-Law which then must have a 20' buffer.

J. Blonder asked why they didn't consider three housing units. Mr. Sarkis answered that the new owner wants to pursue five for financial purposes.

J. Blonder moved to close public comment; unanimously approved.

A. Ippolito then outlined the potential options for the Board:

1. Make recommendations to ZBA for approval with conditions;
2. Look at it unfavorably;
3. Have petitioner come back to continue with more information regarding issues raised

G. Potts doesn't think a decision can be made until lot size is determined and asked if Town Counsel can give an opinion. Town Planner Kane noted that it's the responsibility of the applicant to prove the lot size and would want more info from applicant before engaging Town Counsel.

A. Ippolito stated she felt they should continue the review to next month due to incomplete information (driveway issues, property line issues, size of the building).

J. Blonder moved to continue to next Planning Board meeting on April 8. Motion seconded and approved unanimously. Mr. Sarkis signed off on continuation request. Attorney Shutzer provided Town Planner with copy of deed.

## 13SUB-1 & 13SPR-1

Acting Chair Ippolito then opened up the review of 13SUB-1 (definitive plan for subdivision) and 13SPR-1 (administrative site plan review) for the project proposal at 837 Humphrey St by Atlantic Crossing LLC. She stated that the proposal is to subdivide the property (former Temple Israel site) into 14 individual lots to be served by a new roadway having a length of approximately 484 feet. Project includes the construction of 14 single-family homes, one per lot. She said the initial step is to consider the subdivision as it comports to the Subdivision Rules & Regulations.

Applicant Bill Luster gave an overview of project history: Town issued an RFP to redevelop the site with up to 42 units in one building. His group did not want to do a mid-rise and instead wanted to keep the project within the character of the neighborhood. They proposed a subdivision of 19 single-family homes which the Board of Selectmen selected. Town Meeting was asked to change the zoning to allow this format, but they did not approve. Developer redesigned project and proposed 14 single-family homes. Selectmen agreed and recommended fall Town Meeting vote to change zoning to smaller amount of homes. Town Meeting approved. Developers are here for Planning Board approval to move forward with the project.

Mr. Luster then provided a timeline for the project: with Planning Board approval, demolish the temple between 60 and 90 days and perform road construction and utility layout in 60 to 90 days, with some work overlapping. Homes will require 120-150 days to build. The entire road and all infrastructure plus whatever is pre-sold (currently four lots reserved, fifth house will be a model with a sixth house as spec). They think it will be a three-year project not the five years projected to completion.

Mr. Luster noted that they are requesting a number of design waivers: 4' wide sidewalks instead of 6' wide, radius reduction, right-of-way reduction. He noted that curb-to-curb, the road is exactly as required (28'). House sizes range from 2,000 to just under 3,000 square feet, priced from mid \$500,000s to \$600,000s.

Site Engineer Jim McDowell said the lots vary from 4,500 to 7,800 square feet with 50' frontage. He explained that Deputy Fire Chief Potts has provided him with measurements of the ladder truck and the Fire Department is happy with the 28' width. Town owns drain and two catch basins to handle drainage which goes across Atlantic Avenue to Palmer Ave. There are no problems downstream on this site. Town will handle trash and snow plowing. Every property will have four parking spaces (two in garage, two in driveway). All utilities will be underground, no poles required. There will be a 1.5' retaining wall to force water toward drainage. Entrance and exit to/from subdivision will be from Humphrey Street. All abutting properties can't be subdivided any further.

A. Ippolito and P. Kane read comments that have been submitted from the Building Department, Fire Department, Police Department and Health Department. Subdivision review of the definitive plans and administrative site plan review (as this is a PDD) were discussed step-by-step by A. Ippolito in conjunction with Town Planner Kane and respective subject matter experts representing developer. DPW/Town Engineer will be consulted on open items. A. Ippolito then asked for questions from the public.

Developer will review suggestions from abutters regarding traffic flow on interior roadway.

Nelson Kessler asked about the existing 15" drainage pipe at back of property and was told it will be rerouted.

Richard Cloran of 802 Humphrey St asked if the public sidewalk fronting the property (on Humphrey St) will also have snow removed by Atlantic Crossing.

Charles Donoghue of 19 Orchard Rd told the Board that homes on Orchard Road have had problems with flooding water.

J. Blonder moved to close public hearing and continue subdivision review to April 8, 2013 meeting. Unanimously approved.

A. Ippolito then opened the administrative site plan review for the project. She explained that this segment will go into characteristics of the homes and landscaping. Landscape architect Rebecca Curran said the landscaping plan is relatively simple to be in character with the style of homes. Arborvitae taller than a fence will be planted for privacy around the perimeter of the subdivision to offer privacy from neighbors. She said trees will be 6' tall planted 5' on center, dark green variety is an upright variety taking up less space. Perennials in keeping with the summer cottage style, birches around patios, locus or shade, rose of Sharon, lilac. Existing healthy trees around the periphery will remain. Ms. Curran will meet with Town Tree Warden to evaluate trees along Humphrey St as well as potential new tree plantings. There are eight trees towards the middle of the existing property that will need to come down due to construction work, but two of those are actually dead.

J. Blonder noted that over time, the landscaping will morph. Developer intends to include in the deed conditions a restriction that homes cannot be expanded by a set amount of time, that length of time is still up for discussion (30, 99?). The exemption will be handicap ramps if needed. A homeowners association may be involved to manage the landscaping of all the homes together, possibly home colors as well.

Mr. Luster said once this process is concluded by the Planning Board, developer has to go back to the Board of Selectmen for final approval.

Resident Mary DeChillo asked about making landscaping varied to include hydrangeas and beach roses to avoid cookie cutter effect and that native (noninvasive) plants be used. Mr. Luster said that after meeting with abutting property owners, they are leaning toward vegetation rather than fences (one abutter in the room agreed this is what they wanted). Mr. Luster also reminded the Board that backyards will be small scale.

Kathy Frederickson (800 Humphrey St) expressed concern about including variety of homes. Mr. Luster said there are a number of designs for the various lot sizes which include basements and two-car garages. Lots will dictate which house designs are appropriate, but they will make sure adjoining lots do not have repeating house styles. There is a 15' setback from Humphrey St. Mr. Singleton said they intend to use this project as a model for development in other towns.

S. Belkin stated that she prefers the plans for this PDD to all others she has reviewed.

A question was raised about the existing stone wall on the property. Applicant confirmed the wall is intact and will remain. Due to the size of the basement of the existing temple, it will require about 4,000 cubic yards of fill, about half of that will come from excavating the basements of the new homes. Asbestos removal in the existing temple will be done by licensed experts. A. Ippolito expressed a desire to see variety of in the location of the homes within the lots in order to provide space and light. Porches add to the feeling of open space.

Mr. Luster explained that they are looking for 4' wide sidewalks due to the tightness of the site. There was discussion about having sidewalks on just one side however that suggestion was not favorably received.

An abutter asked about cable options, or satellite dishes, in case owners opt to subscribe to satellite. Abutter concerned about dishes being seen. Developer recommends no additions of equipment visible from public way. No

consideration has been given to solar panels however Town Planner stated they are allowed as of right in Swampscott.

J. Blonder made motion to continue administrative site plan review until April meeting. Unanimously approved. Mr. Luster signed off on continuation request.

## SITE PLAN REVIEW & SPECIAL PERMIT RULES & REGULATIONS

Town Planner explained that Town Counsel has now also reviewed the proposed rules & regulations, made a few minor changes, and approved it. He then asked the Board (who had been given the updated version prior to the meeting) if they would approve of the rules & regulations. A. Ippolito stated that there are a few additional things that should be required as part of site plan review but group agreed those need to be in the Zoning By-law rather than rules & regs. A. Ippolito did note that site plan applications should go to the Historical Commission if the building is 75 years or older. Board agreed. Board voted on new rules & regulations with addition that Historical Commission should receive applications for structures of 75 years or older.

Town Planner also noted that back in December the Planning Board had increased the filing fees. He asked the Board if they wanted to increase the waiver of compliance fee (part of site plan special permit) from \$200 to \$300. The Board agreed unanimously and fee was increased.

ZBA will be voting on rules & regulations and fee changes at their March 27<sup>th</sup> hearing.

## SUBDIVISION FILING FEES

Town Planner Kane referred Board to research document he had provided at previous meeting showing subdivision filing fees for over ten communities in Mass compared to Swampscott. He proposed a new filing fee structure based on these and Swampscott needs. Board discussed and agreed with the proposed new filing fee structure:

- ANR - \$100 + \$50/lot
- Preliminary Plans - \$250 + \$100/lot (maximum fee of \$2,500)
- Definitive Plans (w/o Preliminary Plan Review) - \$500 + \$250/lot
- Definitive Plans (w/ Preliminary Plan Review) - \$250 + \$100/lot

## COMMUNITY PRESERVATION ACT

P. Kane reminded the Board that the CPA presentation will take place on April 2 @ 6:30p in the library. He said that numerous boards, committees and departments in Town had been invited, but he hadn't heard back on confirmed attendance (no response was requested).

Meeting adjourned 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

3/11/2013

(Meeting/Event)

(Date)

NAME (Print / Don't sign)	ADDRESS	AFFILIATION
Jody Watts	259 Humphrey	resident
Bob Hoffmann	2 ORCHARD	RESIDENT
Kathy French	800 Humphrey	"
Paul Muniky	15-ORCHARD RD	RESIDENT
Richard St-Laurent	45 Pleasant St.	RES.
Jory Berkwitz	37 Atlantic Ave	Resident
Victoria Berkwitz	307 Atlantic Ave	Resident
MARILYN & Rick COOK	802 Humphrey St.	Resident
Sheila McFarley	941 Humphrey St	Resident
Carl C. Gagnon	941 Humphrey	Resident
Janet Booras	6 Dale St.	Resident
KATRINA POWELL	28 Forest Ave	SWAMPSCOTT REPORTER
John Szekis	out of town	267 HUMPHREY ST.
MARK GOLDBERG	OUT OF TOWN	ONE SALEM ST.
C. Rose	Salem & SWAMPSCOTT	Resident
Dana & Rossa Woodward	30 Palmer Ave	Resident
Vinnie Amerlengo	18 ORCHARD CIRCLE	Resident MM
Tim Byrne	2 Neighborhood Rd	resident.
ANN MAVON	26 VIRGINIA CIRCLE	RESIDENT
Matthew	476 Punt Rd.	Resident
BD	54 Cherry St	Resident
Aaron & She	32 Berry Bluff Ave	Resident
Jenny Muszka	80-ATLANTIC AVE	Resident



