



# 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 8, 2013 MEETING MINUTES

**Time:** 7:06 – 9:00 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); Tim Williams (engineer); Chris Drucas (attorney); Walter Jacob (architect); Jeff Tucker (landscape architect); Ken Shutzer (attorney); Bill Luster (applicant); Jim McDowell (site engineer); Phil Singleton (applicant); Michael Callahan (attorney); Rebecca Curran (landscape architect); ~10 others (see attached sign-in sheet)

Meeting called to order at 7:06 pm by Vice Chair Angela Ippolito, acting as Chair for the meeting.

## MEETING MINUTES

J. Blonder moved to approve the minutes of the March 11 and April 2 meetings. Motion seconded by G. Potts.

## PETITION #13-5

A. Ippolito opened the continued review of the proposal to demolish the existing two-family dwelling at 267-269 Humphrey St and construct a new five-unit multi-family dwelling with ten off-street parking spots. Petition seeks use special permit and site plan special permit from the ZBA.

Attorney Drucas told the Board the petitioner had provided land area documents in the past two weeks.

Tim Williams reviewed the project for the Board: the property is 19,500 square feet located on Humphrey St. They are proposing to replace the two-family residence of 2,000 square feet. The property also includes an existing easement over the driveway for the abutting property. Plans have been laid out so that the building sits on the site and takes into consideration the easement, view easement from other abutting property owner and the 100' buffer from the water. Proposed building is a little over 5,700 square feet (footprint), along with ten parking spaces and some outdoor amenities. Vehicle movement within the site was tested with software (Auto Turn) using virtual cars to attempt maneuvering within the driveway and parking spaces. The inner most parking space within the "garage" will be designated for compact vehicles. A rumble strip (cobblestones) will be used to delineate right-of-way access and end of property line within the driveway – to remind residents to keep within their property line.

Project Manager John Sarkis told the Board he had taken both a pickup truck and an SUV to a similar-sized parking situation and found the space could easily accommodate either vehicle. Plans are based on a vehicle 19' in length.

The site already has utilities, water, and sewer. Sewer connection will be camera-ed and will have a 6" water line to Humphrey St. Storm water will be captured from roof area. Conservation Commission will review storm water system against DEP standards. Infiltration system is for two-year storm event. Existing conditions vs. proposed conditions will be reviewed. J. Blonder stated that heavy storms have occurred with increasing frequency. Petitioner acknowledged that they can't increase storm water runoff from site under any conditions. Increasing open space will help with storm water management.

Landscape Architect Jeff Tucker of Walter Jacob Architects then explained that the asphalt pavement will be removed and a new porous material will be used. They will use cobblestones and pavers along the property line of the driveway as there is no way to create a physical barrier. Snow storage will be at waterside end of property and no seepage to ocean will occur (due to seawall). Trash will be housed in a large area at the front of the building with doors at individual spaces and access for trash removal from site (privately managed). Town Planner Kane asked if the parked vehicle by the trash area will impair access to trash. Mr. Tucker confirmed there is adequate space even with the vehicle parked. Parking spaces 1 & 2 (closest to waterside) will be dedicated to the same owner at that corner of the building. The parking proximity would promote awareness of coordination between both drivers should spaces be exited at same time.

The five units in the 2-1/2 story building will have two units on first two floors and one long narrow unit on the top floor. Materials and massing are in compliance with what was previously presented to the Historical Commission. Massing was addressed incorporating photos Mr. Tucker took from opposite side of Humphrey St and a photo comparison of current site and site with proposed building. New building is lower at the street front than the existing building.

Fire Department requires the building to be sprinklered and rear terrace has to be sprinklered and two standpipes will be required in the stairwells. Back of building will be a garden-type area. Coastal buffer is being respected so no incursion occurs.

J. Blonder asked if the developers considered building four units instead of five. John Sarkis said eight units could be built. Each unit is about 2,000 square feet with two bedrooms per unit. There are seven bedrooms in the existing dwelling. "Notice of Intent" has not been filed with the Conservation Commission yet.

A. Ippolito then asked about the issue between the surveyed plan showing 19,500 square feet and the deed showing 14,724 square feet. She asked petitioner what the buildable lot size is at the location. Response was 16,500. Mr. Williams said they are taking their area down to the mean low water mark. Attorney Drucas said 80% of land coverage ratio is 29%. John Sarkis said lot coverage is based on lot area. A. Ippolito said frontage is insufficient for the zoning district. Mr. Drucas responded that the Planning Board endorsed the ANR to divide those two properties (1969). Petitioner stated that the new building is not changing the use; it is still residential. Attorney Drucas said the project is within all setbacks. Town Planner Kane stated that ANR's do not confirm or endorse whether a lot is buildable and meets zoning requirements.

A. Ippolito then opened the review to public comment. Attorney Shutzer (representing abutter Jody Watts) was then recognized. He told the Board the letter supplied by the petitioner relating to the lot area contains an opinion dealing with the wrong question. The issue is not what rights they have but maximum lot coverage, minimum open space. He is asking the Board to address the definition of land area and handed out copies of the deed which show

land is 14,724 square feet to top of high mean watermark. Mr. Shutzer handed out a copy of the ANR which says 14,724 square feet which takes this to the top of the bank to Nahant Bay. He explained that when Mr. Patsios (the previous owner) sold the property, the area was shown as 14,724 square feet. No description of any lines beyond. Mr. Shutzer says the fundamental question is if the application is flawed, then everything is flawed. Mr. Shutzer also presented a copy of the sheet from the Assessor's Office.

Mr. Drucas responded that Nahant Bay is the mean low watermark. He said they don't have fee simple; they have ownership of the tidal flats. What is on the Assessor's sheet doesn't have anything to do with zoning.

A. Ippolito said this is the issue we have to decide and she doesn't want to waste time so they will need to move on.

Mr. Patsios was then recognized. He explained that the issue went to Town Counsel for the Seacroft building and Town Counsel's decision is exactly what is in the currently plans. Everything that was presented here is exactly what was presented last and nothing has changed; it's the same site as before.

A. Ippolito reminded everyone that the Planning Board is not the decision maker in this situation. She stated that she felt that it's a beautiful building but the lot size issue is something the ZBA needs to decide on.

J. Blonder moved to close the public meeting. Seconded and approved. He then motioned to recommend unfavorable recommendation to the ZBA due to the nature of the deed and size of structure. A. Ippolito seconded and unanimously approved.

## 13SUB-1 & 13SPR-1

Acting Chair Ippolito then opened up the continued 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 explained that the proposal is to develop the site into 14 individual lots to be served by a new roadway having a length of approximately 484 feet. She said the project includes the construction of 14 single-family homes, one per lot.

Petitioner Bill Luster was then recognized who identified others from the project team: Engineer McDowell, Owner Singleton, Attorney Callahan and realtors for the project – Sagan Realty.

Mr. Luster then introduced project engineer Jim McDowell who reviewed changes made to each of the sheets previously reviewed by the Board. No changes were made to pages 1 & 2. Sheet 3 has been corrected to properly highlight both properties in the locus map that are part of the proposal. Sheet 4 demonstrates new lot lines – some shifting of lot lines for lots 1, 2, and 3. Significant lot line changes to lot 4 in order to meet request of potential buyer. Some area of lot 5 was shifted to 4 as part of this change. All lots still meet lot size requirement. Additionally, the shared driveway has been removed from lots 8, 9 and 10 with lots 9 and 10 having driveways directly onto Humphrey St. Fire Dept and DPW have stated new driveway configuration is amenable to their needs/concerns. Sheet 5 demonstrates the lot revisions as well as revised building footprints. Sheet 6 includes eliminated catch basin (which was needed for the shared driveway) and sewer manhole, as well as shared driveway easement removal. Sheet 7 incorporates changes from the other sheets as well as new hydrant along the new street as requested by the Fire Department and some sewer and water line reconfiguration within the property. DPW has requested some additional changes to this configuration which Mr. McDowell stated they can certainly implement in the next iteration. No revisions to Sheets 8 & 9.

A. Ippolito said this new plan breaks up the subdivision since the homes (at lots 9 & 10) with driveways to Humphrey St will now have Humphrey St addresses, no longer part of the Atlantic Crossing neighborhood.

Mr. Luster stated that they will be updating the traffic impact study to reflect the new driveway layout, per the request of DPW.

A. Ippolito stated that she likes the development very much but doesn't like the two driveways from Humphrey St. It is not the same "cozy" concept. Town Planner Kane asked if the reason they were moving the driveways was for fire equipment access. He explained that in either scenario, any ladder truck would be using Humphrey St for those two properties and the shared driveway shouldn't be an issue.

A. Ippolito then inquired if a shared driveway onto Humphrey St could be examined for lots 9 & 10, reducing the added curbs cuts to just one. Mr. Luster answered that they will look into that. He explained the reason they prefer removing the original shared driveway is because it opens up more of lots 8 & 9 (less driveway surface) which will help them sell the properties.

Mr. McDowell explains that DPW has asked that the water and sewer lines for lots 9 & 10 come directly off Humphrey St, so that an easement at back of property for these two lots will not be necessary. He also said there are catch basins at the rear property line to handle runoff from Atlantic Ave and there is a leaching basin on lot 10.

Mr. Luster confirmed that as part of the sale of each home, all homes can't be altered (added to) for 99 years, ensuring size and massing for that period of time within the neighborhood. He also said that five lots have been reserved (they can't sell the lots yet), of which one owner asked to use their own architect (lot 4). Town Planner Kane asked if the new design for the home on lot 4 will be under 3,000 square feet. If the home is larger than 3,000 square feet, it will require its own site plan special permit. Mr. Luster ensured that the home will be under that threshold.

J. Blonder asked if this isn't opening the flood gates to allow outside architects in to design other homes in the neighborhood. Mr. Luster said there will be a consistent look, consistency of design. Designs of other architects will have to be reviewed by developer's architect.

Abutter Jill Cordon likes the bigger lot next to her property and pointed out design of external architect is at the back of the development, less likely to be noticeable to general public.

Mr. Luster said they are responding to market demand that really likes the project.

Abutter Ms. Cordon then stated that she heard a couple of concerns after the last hearing about traffic from school area on Orchard Circle. Mr. Luster said the traffic impact study didn't find an appreciable increase in traffic with the addition of the subdivision and 14 homes. Most interested are a mix of families and empty nesters. Trees will be planted on the lots, not between sidewalk and road.

Abutter from 802 Humphrey St asked about length of driveways coming out onto Humphrey St and was told they are in the range of 40 to 45'. Abutter is concerned about snow area and where the snow from those two driveways will go. Mr. Luster stated the snow will be stored on the property so as not to block visibility.

A. Ippolito and Mr. Luster then discussed the need to look at the curb cuts for the two new driveways and how it will impact the existing stone wall in that area.

J. Blonder moved to continue the review to the May 13 Planning Board meeting. Motion seconded by A. Ippolito and unanimously approved.

## COMMUNITY VISIONING STUDY

Town Planner Kane asked that each Board member review the action items from the study and come to the May 13 meeting with the top four actions they each believe should be taken up first. At the May 13 meeting, the Board will review the options and decide which ones to encourage action on. Mr. Kane explained the study that was performed to J.R. Young, candidate for the open seat on the Planning Board. He will forward the report to Mr. Young so he can be prepared for the May 13 meeting.

## MASTER PLAN CAPITAL IMPROVEMENT REQUEST

J. Blonder inquired about the Town Planner's capital improvement request to fund a master plan effort. Mr. Kane explained that the final list of capital improvement projects that was presented to the Finance Committee did not include the master plan request. He however stated that the Town Administrator is currently reviewing unspent capital improvement funds from 2002 on and there may be available funds in this review that could go toward the master plan effort. Decision on using those unspent funds will have to be approved by Town Meeting (most likely at a special meeting in the fall).

## COMMUNITY PRESERVATION ACT

A. Ippolito reviewed the Community Preservation Act presentation given by Kathy Roth (Community Preservation Alliance) on April 2 which most of the Board attended. Explained that Ms. Roth walked attendees through what CPA is, why it was created, how it was revised in the summer of 2012 and what it could mean for Swampscott if the community votes to adopt it. A. Ippolito said the presentation included an excellent explanation about the fees and that it's not an increase of taxes but a surcharge based on the amount of taxes you pay (which can be reduced based on options that the Town can approve). She then said that it would be great to make a presentation about this at Town Meeting but the timing is not appropriate to do it at the upcoming May Town Meeting.

## INCOMING PLANNING BOARD MEMBER

Planning Board candidate J.R. Young was invited to give the Board a brief outline of his experience. Mr. Young and his family moved from Newton to Swampscott as housing costs less in Swampscott. He is a mechanical engineer, has a law degree and has done work in the area of intellectual property. His children are 3 and 5 years old and he's pleased with Swampscott's school system. The election is April 30 and he is running for an uncontested seat. His first meeting as a Planning Board member will be the May 13 meeting.

## UPCOMING ZONING ARTICLE HEARING

The Board will hold a hearing on April 22 to review the proposed zoning article that's part of the May Town Warrant. J. Blonder explained that he'll be out of town and won't be able to attend the hearing. Town Planner Kane emphasized to the other three members the importance of attendance because the article pertains to zoning the

commuter rail station property which is currently unzoned. Three members will need to be present for the hearing to be able to recommend any type of action to Town Meeting.

J. Blonder moved to adjourn the meeting, seconded by A. Ippolito and unanimously approved.

Meeting adjourned at 9:00pm.

Helen Kennedy  
Planning Board Secretary

