



TOWN OF SWAMPSCOTT

PLANNING BOARD

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

MEMBERS

ANGELA IPPOLITO, CHAIR
GEORGE POTTS, VICE CHAIR
CLINTON BENCH
BILL QUINN
JR YOUNG

STAFF

HELEN KENNEDY, SECRETARY
S. PETER KANE, TOWN PLANNER

MAY 11, 2015 MEETING MINUTES

Time: 7:20– 8:55 pm

Location: Swampscott Senior Center, 200 Essex St (rear)

Members Present: A. Ippolito, C. Bench, G. Potts, B. Quinn

Members Absent: JR Young

Others Present: Pete Kane (Town Planner), William Luster (applicant), Michael Callahan (lawyer), Julie Sagan (realtor), Myra Gilko (resident), Robert Lee (resident)

Meeting called to order at 7:20 pm by Chair Angela Ippolito.

MEETING MINUTES

Minutes of the April 30, 2015, Planning Board meeting unanimously approved on a motion by Clinton Bench and seconded by Bill Quinn.

SITE PLAN REVIEW

15SPR-1

Chair Ippolito opened the hearing on 15SPR-1 for a site plan special permit to construct a single-family home of 3,462 square feet. The applicant, William Luster, was then invited to describe the request. Mr. Luster explained that due to the inclusion of the square footage of the garage into the gross square footage definition, the home exceeds the 3,000 square foot marker. He stated that the Town has changed the way it's evaluating the homes being constructed in the subdivision and previously other homes were approved without an issue. P. Kane explained that the Building Department realized the square footage that was being provided in the building permit plans were livable square feet and not gross square footage which by the Zoning By-law includes all square footage within the exterior walls with the exception of basements. Realtor Julie Sagan said they had been cautious from the beginning to keep homes under 3,000 sf, and she hasn't experienced garages being included in real estate before. P. Kane clarified the square footage element pertains to the definition in the Zoning By-law.

Mr. Luster stated that there are currently two or three homes already built that are either at or just over 3,000 square feet. A. Ippolito clarified that the Board is looking at this because of the inclusion of the garage and that it exceeds 3,000 sf.

10 ATLANTIC CROSSING

G. Potts asked if there are other homes pending for the subdivision that are over 3,000 sf without the garage. Mr. Luster said no, but there are a few planned that are over 3,000 sf with the garage and that they will be applying for site plan special permits for this at an upcoming meeting.

C. Bench asked how many houses are built so far. Mr. Luster stated that there are nine either finished or under construction. Ms. Sagan said that there's one pending home that is smaller than the others at about 2,000 sf but most range 2,300 to 2,500 sf without the garages included.

P. Kane then read off a letter of feedback from the DPW. In the letter, DPW noted that the general contractor for the project, Fred Shultz, had requested changes to the drainage and that DPW would need to approve those changes before construction of that element. DPW had two other water/sewer comments in the letter, but they related to the subdivision and not the property in question.

The applicant was then asked if the sidewalks were installed. Mr. Luster confirmed that nearly all the sidewalks were finished (concrete) except the portion that has a shared driveway.

Abutter Myra Gilko (8 Atlantic Crossing) spoke in favor of the proposal and said that she just wants to see the project finished.

Robert Lee (abutter at 838 Humphrey St) said he is generally in favor but has problems with the developer asking for additional footage; thinks they should be held to the original measurements. Attorney Callahan explained that the site plan special permit which they've applied for allows a property owner to go over 3,000 sf by review and conditions. A. Ippolito stated that the process takes into consideration where the structure is on the actual site and makes sure everything has to be adequate in order to grant a site plan special permit. A. Ippolito, Naomi Dreeben and P. Kane go and inspect each home for inspection to make sure they match the plans and requirements before a home can be sold. They look at landscaping, sidewalks, drainage, etc. Original idea was that homes would be under 3,000 sf to avoid having to go through site plan review process.

C. Bench then asked Mr. Lee what is was about being over the 3,000 sf that was his concern. Mr. Lee responded that special concessions had been made to allow the subdivision and now they're asking to increase the home size. P. Kane confirmed that the houses currently built meet the zoning requirements of the district. Mr. Luster stated that the footprint of each home is no larger than they originally showed in the subdivision plans.

Mr. Lee then asked home many homes are over 3,000 sf with the garages included. The applicant confirmed they all have two car garages but didn't have the specifics on each home size. He said homes can range to 3,250 sf with garage. C. Bench asked when the conversation about homes not being over 3,000 sf happened. Mr. Callahan confirmed that it was discussed during the subdivision hearings because one home was proposed at about 4,000 sf, designed by a different architect. The Planning Board stated during the subdivision hearing that they would not be amenable to such a proposal and made them aware of the 3,000 sf element for site plan special permit.

C. Bench moved to approve a Site Plan Special Permit; G. Potts seconded; unanimously approved. Town Planner Kane will put in the decision as early as May 12 which will trigger the twenty-day appeal period.

Ms. Gilko then raised an unrelated question of a fence around her property. C. Bench asked where the fence would be located and if it would be in the front yard. Ms. Gilko said it would enclose the back yard and some of the side property, but not be in the front yard. The Board said that there wasn't any element in the subdivision approval that would restrict a fence. She was advised to ensure there was nothing prohibiting it in the homeowner's agreement

and then to speak with the Building Department. Mr. Luster confirmed the association doesn't prohibit fences but it may define an appropriate fence for residents.

OUTDOOR SEATING DESIGN

PETITION 15-10

286 HUMPHREY STREET

Town Planner Kane informed the Board that the applicant for petition 15-10 has since withdrawn their application, per their lawyer Ken Shutzer. The Planning Board had been asked by the ZBA to work with the applicant to come up with a potential outdoor seating layout for the restaurant.

A. Ippolito was concerned that they had withdrawn before the Board could talk through the design with them. P. Kane said that there were a lot of issues raised by abutters at the ZBA hearing which may have impacted the applicant's decision to move forward.

B. Quinn: Do the businesses that have benches out in front have permits? P. Kane said that he believes most of them do but that petition 15-10 isn't for seating out on the front sidewalk like other businesses, but instead for seating along the side of their building which abuts a residence. A. Ippolito said that people love sitting outside; we're trying to encourage that change to sitting with the overlay district. P. Kane said that through the overlay district, the Planning Board would be able to provide a standard review if the outdoor seating is at the front of the property and doesn't include alcohol (by right for B-1 properties).

P. Kane said he would speak to the applicant's attorney again (Ken Shutzer) to see if they would reconsider the withdrawal or apply under the Humphrey Street Overlay District. They would have to go to the Planning Board for design review.

Question was raised if the smoking regulations apply to outside dining at a restaurant.

G. Potts mentioned that the owners of the surf shop are interested in gifting picnic tables for the park next to their property and wanted to know how they can go about that. P. Kane said they would need to go to the Conservation Commission to get approval.

VOTE – BOARD ROLES

C. Bench moved to appoint A. Ippolito as chair and G. Potts as vice chair. Seconded and unanimously approved.

OTHER BUSINESS

SUBDIVISION RULES & REGULATIONS

P. Kane will coordinate with G. Potts and JR Young to start meeting on Tuesday or Thursday afternoons to meet as a task force to revise the subdivision rules and regulations.

ZONING BYLAW REVIEW SUBCOMMITTEE

C. Bench asked if someone else can take over as the representative to the Zoning Bylaw Review Subcommittee. It currently is made up of Jay Mahler, Gene Barden, Jodi Watts, and Paul Johnson. It's a subcommittee to the Planning

Board and makes recommendations to the Planning Board about possible zoning bylaw changes. B. Quinn is interested in participating on that committee; C. Bench will cross-train.

SMART GROWTH ZONING

The Board then opened up discussions on looking at a possible smart growth zone by the train depot. A. Ippolito said that Bruce Paradise had originally asked the Board to consider rezoning some property he owns by Elm Place to B-2 so he could develop it into multi-family. The Planning Board favors development that is mixed use, residential and commercial. The Board however wasn't comfortable with proposing the change request from Mr. Paradise. P. Kane noted that even if the zoning change had gone through as Mr. Paradise suggested, his project still would have required an application for special permit to the Zoning Board of Appeals.

Planning Board suggested 40R may be more appropriate. It provides for mixed use, green space, needs to be located near public transportation, and has an affordable housing requirement. Planning Board could do this and would include train depot area.

C. Bench said that it was pretty clear Mr. Paradise wouldn't do anything too soon. He doesn't think the Board is ready to start having this discussion though. He believes that Mr. Paradise should be the one to do the initial investigation of a possible 40R. P. Kane noted that the railroad station area has already been identified in previous studies as a good candidate for 40R zoning. C. Bench thinks the MBTA may be willing to talk about it. He then said the main question should be if there is something that needs to start in terms of potential zoning around the train station. He worried if the town planner has the time to visualize the development. It seems like now what we should do is have some sort of low level review. P. Kane said that the new 40R district at the General Glover property will help to set the tone. And the current work underway on the master plan will help the Planning Board identify areas of preferred development and how to get there (such as recommending zoning changes).

FOOD TRUCKS

G. Potts then asked about having food trucks in town and said he knows someone that's interested. The Board discussed that they don't believe there's anything that explicitly forbids them in town. P. Kane recommended that they speak with the Board of Health regarding the food element and Board of Selectmen for possible licensing within the right-of-way. The Board talked about other communities that already promote food trucks like Boston and Cambridge as good examples for regulations. A. Ippolito said it would be nice to be proactive on something, not just reacting to things. P. Kane cautioned that some of the established businesses may have anxiety about the competition.

MASTER PLAN FORUM

A. Ippolito reminded the Board that the first public forum for the master plan is May 21 at 6:30p in the high school.

C. Bench moved to adjourn, G. Potts seconded, unanimously approved.

Meeting adjourned at 8:55 pm.

Helen Kennedy
Planning Board Secretary