



# TOWN OF SWAMPSCOTT

## PLANNING BOARD

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

**MEMBERS**  
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**STAFF**  
S. PETER KANE, DIR. OF COMM. DEV.  
ANDREW LEVIN, ASSISTANT TOWN PLANNER

# DECEMBER 12, 2016 MEETING MINUTES

**Time:** 7:05 pm – 8:46 pm  
**Location:** Swampscott High School, Room B129, 200 Essex Street  
**Members Present:** B. Quinn, B. Isler, G. Potts, J.R. Young  
**Members Absent:** A. Ippolito  
**Others Present:** Pete Kane (Dir. of Community Development), Chris Drucas (Attorney), Max Kasper (Petitioner), Ernest DeMaio (Architect), Michael Sinrich (Abutter), Bruce Paradise (Petitioner); Charles Faia (Surveyor)

Pete Kane, Director of Community Development, who was present at the meeting designated B. Quinn as acting Chair of the Board, in the absence of Chairwomen A. Ippolito and Vice-Chair G. Potts. (At the time he was not present)

Meeting called to order at 7:05 pm by B. Quinn.

## MEETING MINUTES

The Board reviewed minutes from their November 14<sup>th</sup> special meeting, and their November 18<sup>th</sup> Gracie Lane Subcommittee (GLS) meeting. P. Kane explained that Planning Board members, even if not present at the GLS meeting, are still able to vote on the approval of the minutes from the GLS meeting. P. Kane mentioned that he is available for any questions on both the previous Planning Board and GLS meeting. There were no questions.

MOTION : by J.R. Young to approve both sets of minutes, and seconded by B. Isler, unanimously approved.

## CERTIFICATE OF COMPLETION

### GRACIE LANE SUBDIVISION

B. Quinn then opened the second item on the agenda, regarding the Gracie Lane Subdivision. B. Quinn explained that representatives of the Gracie Lane Subdivision were present and seeking a Certificate of Completion for their project.

P. Kane then explained why the representatives were back in front of the Planning Board. The representatives were seeking their Certificate of Completion for work done. P. Kane further explained that this means the property owners

will be released from their covenant and surety bond. P. Kane explained to the Board the documents that were in the packet handed to each member. P. Kane said that the representatives were seeking release from their covenant, which binds the developers to the plans that were approved, and the surety bond, which is set up to pay for unforeseen changes or uncompleted work from the covenant. B. Quinn asked when the project originally went through the Planning Board, it was mentioned it first was approved in 2009, and B. Quinn mentioned no one currently on the Board was a member at that time of approval.

B. Quinn asked if the individual properties were approved by the subcommittee. P. Kane explained that the subcommittee walked through the lots and homes, but that the Planning Board needs to approve their certificate of completion for the entirety of the subdivision as the last step. P. Kane then asked the Board if they had any more questions, which there was none.

Petitioner and developer, Bruce Paradise and his surveyor, Charles Faia, were present and provided the Board with a large -scale map of one already provided to the Board (the as-built). B. Quinn asked if there was any public comment, there was none.

J.R. Young asked if there will be sidewalks. P. Kane explained that the development includes a sidewalk on one side of the street but the previous Planning Board had granted a waiver from requiring sidewalks on both sides.

MOTION : by B. Isler to grant the Certificate of Completion, seconded by J.R. Young, unanimously approved.

B. Quinn then asked P. Kane what the next steps were from this point.

P. Kane explained that both B. Isler and J.R. Young will need to sign the Certificate, and then a notary will need to sign it with B. Quinn present. From there, Mr. Paradise will record the Certificate with the Registry of Deeds, and the covenant will be released. Mr. Paradise thanked the Board.

## **SITE PLAN REVIEW**

### **PETITION 16-35 (51 GLEN ROAD)**

The applicants are seeking a dimensional special permit for lot coverage, front and side yard setbacks, to convert a two-family non-conforming structure into a three-family use in a A-3 district. The Petitioners are also seeking a Site Plan Special Permit and any other special permit or variance under the applicable sections of the By-Laws deemed required.

B. Quinn explained to the petition representatives present that the Planning Board provides comments and recommendations to the Zoning Board of Appeals, but does not approve any permits or items related to the petition.

Attorney Chris Drucas began his presentation by stating that he was there representing the petitioner, Max Kasper the owner and manager of Kasper Properties, also with them was Ernest DeMaio, project architect, who Attorney Drucas mentioned will also present to the Board and answer questions.

Attorney Drucas explained that his client acquired the property in August 2016, and that they will be doing a full renovation of the building currently on the property, and changing the structure to turn it from a two-family home to a three-family residence.

Attorney Drucas continued to explain that the property has a significant grade to it. Attorney Drucas went on to say that the petitioner determined the existing building on the site was in need of a total remake. Attorney Drucas went on to describe the slope and grade of the property. Attorney Drucas explained that the grade slopes towards Humphrey Street, with about 130 feet of slope, which Attorney Drucas stated creates a set of problems. Due to this, Attorney Drucas mentioned that the architect and the owner had worked very closely in trying to minimize the impact of creating a 3-unit structure with two bedrooms in each, and how they are working towards keeping the buildings height down.

Attorney Drucas then handed the presentation over to Mr. DeMaio of *Tektoniks Architects*. Mr. Demaio introduced himself to the Board and stated that he is also a member of the Design Review Committee in neighboring Salem.

Mr. DeMaio began by explaining he would first describe the context of the property then explain and discuss the proposed plans and answer questions from the Board.

Mr. DeMaio used a large presentation with multiple color pictures of the site and surrounding properties. Mr. DeMaio explained and showed the Board how the current structure at 51 Glen Road (his client's property) is in need of repairs. Mr. DeMaio also used the pictures to show that there is a significant grade on the property, and surrounding area. Mr. DeMaio explained there is an approximate 20-foot change in elevation, from 35 feet to 54 or 55 feet, on the property.

Mr. DeMaio showed a stone wall that borders the perimeter of the property and mentioned that there is somewhat of a plateau on the property. Mr. DeMaio used the pictures to show the tandem parking spaces currently on the property. Mr. DeMaio explained the proposal plans to reuse the tandem parking spaces but reconfigure the location and proposing to remove all the impervious material in the parking area and add pervious material.

Mr. DeMaio stated to the Board that the proposed project will help mediate between the homes on Humphrey Street, and the homes on Glen Road. Mr. DeMaio explained the proposal acts as a connector between the large multi-family residences on Humphrey Street, and the single-family residences on Glen road. Mr. DeMaio continued to explain that he believes the architectural approach being taken for this project (making it a multi-family) keeps it in context of the neighborhood. Mr. DeMaio further explained that property is located directly opposite the Humphrey Street Shopping Center.

Mr. DeMaio then explained that the architectural design of the structure picks up on the elements of the architecture and scale of the buildings nearby and in the surrounding neighborhood. Mr. DeMaio then used his presentation board of pictures to show this and explain that he is architecturally trying to harmonize the different uses of the areas near the site.

Mr. DeMaio continued to explain that the plans call for pulling the front of the building from the street. On the structure that currently sits on the property, Mr. DeMaio explained the proposal is calling for a small addition, about four feet wide, and this would be used as a stairway from the driveway to the unit on the Humphrey Street facing side.

Mr. DeMaio then explained to the Board that the property will be broken down into three different units; A, B, and C. The existing structure on the property will be the largest unit with approximately 1400 sf and the other two units being 1100 sf each. The units will be connected by one-story connections.

Mr. DeMaio, then using the maps, showed the Board how the existing structure on the property will be kept in the proposal, but how it is being reconfigured. There will be an addition, allowing a staircase from the driveway to the unit, and the addition of the one-story connector to the next unit.

Mr. DeMaio explained that even though the houses will be connected, the architectural design helps create a smaller mass for the property, which creates more air, views, and light, as well as a more user-friendly use in the neighborhood but also staying within the context of the neighborhood as well. Mr. DeMaio continued to state the proposal calls for using traditional New England style siding and other materials to help make the residences fit in more. Mr. DeMaio believes the residences they are proposing will be in character with the neighboring homes, above the property and to the side.

Mr. DeMaio then stated that in terms of site plan criteria they are seeking to satisfy, the plans have done things such as minimizing impact on the neighborhood by fixing up the existing structure and adding in other attractive looking structures.

Mr. DeMaio then began to explain the landscape plan for the property and that there will be an apron created in the front of the property to act as a threshold for the property, with pervious pavers being put down on that threshold, and the addition of a pea-stone driveway. On the Cardillo Terrace entrance to the property, the proposal calls for a plantings, which will be used as a screen to reduce cars headlight pollution on the property and act as a nice natural buffer. Mr. DeMaio explained the entrances to the units will have fairly extensive plantings, which will add color and light to celebrate the entrances.

In regards to the trash areas for the units, there will be one trash area for unit C (the unit already existing), and one trash area to be shared by units A and B. Both trash areas will be enclosed and be recessed.

Mr. DeMaio then reiterated that there is a significant grade and slope on the property. Mr. DeMaio mentioned that the change in grade on the Glen Road side is quite significant, and if you are standing on Glen Road you are 11-feet above the grade of unit A.

In regards to the size and measurements of the structures being proposed, Mr. DeMaio explained that the calculations have been done and the proposal matches up with many of the neighboring properties and structures.

Mr. DeMaio then presented to the Board the planting plans and landscape plan for the proposed project. The maps also had color photos of some of the plantings being used, to add context. The landscape plan, Mr. DeMaio explained, has large scale red maples being planted on the corners of the parking area that will change over the seasons, and help identify the entrance threshold to the property. Mr. DeMaio at this point then explained that the parking area is proposed to have enough space for a vehicle to turn around as well.

Going back to the landscape plan, Mr. DeMaio explained that the proposal also has lower scale plantings being added, such as inkberries and big blues along the edges of the front and side of the property, to add color and density so people looking at the property will not stare at a parking lot. In regards to the Town Zoning ordinances, Mr. DeMaio explained, the plantings will comply and be kept cut low. Mr. DeMaio also used the maps of the property to show where proposed green spaces will be added near the units for shared green spaces for the units to use. At the entrances to the units, the landscape plan calls for daylilies to be planted to help give color. Mr. DeMaio also explained the plantings will help give

individual character to each unit, and the plan is to make each unit seem like a separate home, rather than a large block style residence.

Mr. DeMaio then asked the Board if they had any questions.

G. Potts asked if the proposed three-family residences will be condominiums or rentals? Mr. DeMaio and Attorney Drucas and the property owner mentioned they would be condominiums.

P. Kane then asked Mr. DeMaio to clarify the plantings being added on the Glen Road side. Mr. DeMaio again used the large map with the landscape plan on it to show that there will be arborvitaes and evergreen bushes, around 8-10 feet in height near the stonewall on that side of the property. The plants will peak out very little from Glen Road.

B. Quinn asked what is on the other side of the high wall on the property. Mr. DeMaio showed that the wall transitions from Glen Road to Kensington Lane. P. Kane then clarified for B. Quinn and the Board, that on the other side is the frontage for Glen Road, and that there is a sidewalk, Attorney Drucas mentions this as well. Mr. DeMaio then uses a photo from his presentation to show the sidewalk.

B. Quinn asked about the space behind the property, Mr. DeMaio replies that this is the abutter's space. Mr. DeMaio then uses a map and pictures to show this space, and show the three-story home behind his client's property, and explains this home is on a much higher grade than his clients.

G. Potts asked if there are any issues with the distance of unit A and the abutter. Mr. DeMaio explained they will be 7 to 10 feet off of the lot line.

G. Potts then asked if there are rules about the distance. P. Kane clarifies to the Board that the property is being built in an A3 zoning district and that they are seeking a dimensional special permit.

Mr. DeMaio states to the Board that they will not be removing any trees of 6-inch caliper or more, and that the removal of an existing sunroom and garage will increase the front setback.

Mr. DeMaio then explained that all of the lighting being proposed would be "down" lighting, and use a dark sky initiative to make sure light is contained within the site.

G. Potts then asked if 63 Glen Road is on the same level, Mr. DeMaio explained that 63 Glen Road is 11-feet above, about a one-story difference.

Attorney Drucas mentioned that Mr. DeMaio has been working very hard on keeping the height of the structure down. Attorney Drucas continues to state that the roof is 28 feet high from the median grade, Mr. DeMaio clarifies that it is 28.7 feet high.

B. Quinn then asked if there is a sidewalk on the Cardillo Terrace side of the property. Mr. DeMaio explained there is none because of the sidewall, and that the sidewall gets in the right of way, and it would be a challenge to get a sidewalk due to the wall.

G. Potts asked if the units will be one-and-a-half baths. Mr. DeMaio replied that they are, and that the larger unit will be determined later, but possibly one bathroom upstairs and a half downstairs.

G. Potts asked about cellars on the property. Mr. DeMaio mentioned they would dig, Geotech permitting.

G. Potts asked if they would be putting heating and other amenities in. Mr. DeMaio explained they would. P. Kane then asked Mr. Kasper, the property owner, if there would be condenser units, to which Mr. Kasper replied there would be. P. Kane then explained to Mr. Kasper that he should be mindful of where the units for these amenities will be placed. P. Kane explained they must consider the proximity to their abutters due to the noise. Mr. Kasper explained they did not know at the moment where the units will go. Mr. DeMaio then showed the different possible areas on the map of where the units could go. G. Potts mentioned there is the large wall in the back of the property where the units could possibly go. P. Kane explained that Mr. Kasper should look at the mechanicals of the units picked to make sure the sound does not travel up and be projected by the wall. P. Kane asked Mr. Kasper to look carefully at the models and make sure they mitigate sound for the neighbors.

J.R. Young asked if this lot has zoning limits. G. Potts explained that it does and they are going over them. P. Kane then stated that this is why the owners are seeking a dimensional special permit. P. Kane mentions that seeking the dimensional special permit is the tradeoff of separating the units into 3 separate structures, instead of one large one.

J.R. Young asks about where the water will go when it runs from unit C, the structure currently standing on the property. Mr. DeMaio then used the map to show the existing roof line of the structure, but explained the proposal calls for a reconfiguration of the roof. P. Kane explained that adding a catchment is best, and to find a mechanism to capture water on the building.

G. Potts asked if there will be private trash pickup. Attorney Drucas mentioned that there will be.

B. Quinn then opened up the meeting for public comment.

Michael Sinrich, who owns two properties adjacent to the petitioners, stated he was there in favor of the project. Mr. Sinrich then used the presentation board with the color pictures on it to show where his properties are in relation to the petitioners, and for context.

Mr. Sinrich explained that near the entrance to his property, the wall behind the petitioner's property runs, and that also the previous owner of his property had built bunker-style garages. Mr. Sinrich mentions that there is some part of the property above the sunken garages.

Mr. Sinrich explained the unit behind his is three residential units, and then described the entrance to his property.

Mr. Sinrich stated that he has owned the properties for 15 years, and that the site of the proposal has caused many headaches and problems, before the new owners. Mr. Sinrich then used the color pictures to show and describe some of the problems he has faced in the past with the property. Mr. Sinrich also mentioned that the proximity of the proposed structures to each other and adjacent properties is fitting of the neighborhood. Mr. Sinrich mentions that the reconfiguration and improvements on the property will help the vehicle traffic on the street. Mr. Sinrich states that he can only see positives from this proposal.

Mr. Sinrich then reiterated that the grade on the property is very significant and used the pictures to show this. Mr. DeMaio mentioned that it will be unlikely that people traveling on Humphrey Street will even see the building.

The Board, P. Kane and Mr. Sinrich both used the maps and pictures on the presentation board and in the application packets to discuss the right of way and Mr. Sinrich's property in relation to the petitioners. Mr. DeMaio used the pictures of the property to show the Board the stone wall on the property.

G. Potts then mentioned then asked if there will be a variance needed to turn a 2-family residence to a 3-family residence. P. Kane and Attorney Drucas both explained the petitioners are not seeking a variance. P. Kane clarifies to the Board that the petitioner is seeking a dimensional special permit, site plan special permit, and use special permit.

J.R. Young then asked if there was a storm water study that had been conducted. P. Kane explained that the proposed 3-units are defined as commercial, and that it is case by case with the Zoning Board of Appeals if they will require one. J.R. Young then asked P. Kane if the Planning Board can recommend one, and P. Kane explained they can, but that the ZBA will make the final decision.

Attorney Drucas mentions that P. Kane did a great job with his comments on the findings for Town Bylaw, sections 5.4.8.1-9, outlining how the proposal meets the project. The Board then asked if the project did meet the specific criteria laid out in a site plan review.

P. Kane then mentioned that the Board should go through the criteria with the petitioner and representatives.

The first piece of criteria; are the petitioners proposing cutting anything more than 6-inches in caliper. The Board and the Petitioner agreed they are not.

The next piece of criteria 5.4.8.2, which entails vehicle and transportation issues. B. Quinn asks the petitioners and the representatives if there will be curb cuts. P. Kane responded that yes, there will be, and Mr. DeMaio used the proposed plans map to show the curb cuts, and then explained them to the Board.

Section 5.4.8.3, which regards scenic view from public way, which P. Kane mentioned is explained given its location, and G. Potts mentions the grade as well.

G. Potts asked about the placement of the garbage area, Mr. DeMaio used the maps to show him.

P. Kane mentions that there is only one house on the opposite of the building and the trash would be far enough away from that home.

The minimizing of glare from headlights was also brought up, and Mr. DeMaio used the landscape map to show the new plantings bordering the property line.

P. Kane then asked the petitioners and representatives if there will be exterior lighting, stating that if so it would probably go by the entrance to the structures. Mr. DeMaio mentioned there would be a bollard by the entrance, and low scale lighting near the ground. P. Kane asked if the lighting would be on the building face, and Mr. DeMaio mentioned that they had not gotten that far, but that they wish to reduce light. P. Kane asked if there will be any lighting on the side of the landscaped area, Mr. Kasper (the owner) replied there would not.

Mr. DeMaio explained that they wish to keep the property "quiet" and have a large amount of area on the site unbuilt. Mr. DeMaio also explained that they wish to minimize the departure from the look of the neighborhood.

Section 5.4.8.7, which entails the minimization of ground water and hazardous substances, P. Kane explained the proposal did not apply.

The Board then asked if all compliance with the Zoning Bylaw on parking was satisfied, Attorney Drucas explained it had.

Attorney Drucas then mentioned that all of the units will be two bedrooms, and had potential to construct a larger two-family home, with 4 bedrooms. But, Attorney Drucas explained, the two-bedroom units makes the residences more appealing for a younger couple who want something small, or a young family just starting out. Mr. DeMaio reiterated this point, and explained that they did have the potential on the site to build something much larger in the center. G. Potts mentions that the residences will help attract smaller and younger families, or older couples, and that the smaller units will market better.

Attorney Drucas then at this point explained to the Board that his client, Mr. Kasper, had gone out of his way to tell and explain to neighbors the plans for the property. Attorney Drucas stated that Mr. Kasper held an open-house, in which six neighbors to the property attended.

There were no more comments from the representatives, abutters, or the Board.

MOTION : By J.R. Young to recommend favorable action to Zoning Board of Appeals, with reference to the site plan provided and have ZBA address trying reduce stormwater runoff on the property, seconded by G. Potts, unanimously approved.

G. Potts then mentioned that they will need to find out what natural material the property is sitting on and if there will be blasting or digging involved.

Attorney Drucas and Mr. DeMaio both then thanked the Board.

## **SCHEDULING FUTURE MEETING DATES**

P. Kane asked the Board to stick with the second Monday of each month schedule, and to set the next six months of meetings.

January, 9<sup>th</sup>, February 13<sup>th</sup>, March 13<sup>th</sup>, and April 10<sup>th</sup> were all decided on and May was held off on.

## **OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD**

B. Quinn then asked if it would be appropriate for the Board to discuss the Marian Court and the former Greenwood School proposals. B. Quinn asked if the proposals for the former Greenwood School were released yet, to which P. Kane replied that it is posted on the Town Planning website.

P. Kane then explained the Marian Court presentation and the situation at the time with the Selectmen. P. Kane explained that the Marian Court property is a private sale and that the Town cannot stop it, but that they can provide feedback and information.

P. Kane also explained that the Planning Board will have no authority on the situation until something is brought in front of the Building Inspector, and then the Planning Board will be in a position to make recommendations. P. Kane explains further that the Planning Board does not need to provide feedback, and does not need to take action, but can if they wish too.

B. Quinn recommended the Planning Board does not take action now, but to start discussing the situation and understanding it, in case it comes before the Board.

P. Kane then clarifies that the Board cannot weigh in on the use of the property, and only the Building Inspector can.

The Dover laws were mentioned and P. Kane helped clarify what they Dover laws were and what they entail.

P. Kane then explained the current situation that many of the Town volunteer Boards and Committees were in and that he is advocating for Boards or Committees with interest in the matter to do something such as send letters or pass on their feelings to the Board of Selectmen. P. Kane mentions it will be helpful to the BOS if Boards or Committees explain if they are in favor or not.

B. Quinn then asks if they Board wished to make a recommendation to the BOS, but before this P. Kane explained further the Dover Laws to the Planning Board. P. Kane explained that growing barley, for example, is exempt.

B. Isler explained that because the Marian Court property is mentioned in the Master Plan and Open Space plan for the Town, then the Planning Board might have some footing to weigh in.

The Board then further discussed this issue.

B. Isler asks the Board if they should send a letter to the editor or privately to the BOS. The Board discusses this.

MOTION : by J.R. Young to write a letter to the Board of Selectman, B. Isler seconded, G. Potts, B. Isler, and J.R. Young say aye.

G. Potts asks if there will still be public access to the site, the Board then discusses this, as the property is private. It is then mentioned that what is being proposed on the property, does not stick with the Master Plan.

J.R. Young mentions that he is concerned that the property is identified in the Master Plan as important to the Town. J.R. Young mentions that he envisioned the site as something that would invite public use and allow the public to enjoy the view. J.R. Young continues to mention that what is being proposed is counter to what was envisioned, that it is exclusionary and enmassing structures on the lot in view corridors, and from what they know now, the Planning Board cannot agree with it.

P. Kane explains that the Planning Board cannot focus on uses, and explains that use is not in the Planning Board purview, but making sure the property and proposal keeps with the neighborhood is within the Planning Boards purview. P. Kane then mentioned that within the master plan there is mention of making sure to maintain the residential character of the neighborhoods.

J.R. Young then mentions that the Board could email A. Ippolito and ask her to draft a letter.

The Board then continued to further discuss this.

MOTION : By B. Quinn to draft a letter, G. Potts seconded, unanimously approved.

Motion by B. Quinn to close the meeting, seconded by J.R. Young, unanimously approved, the meeting adjourned at 8:46PM.

Andrew Levin  
Assistant Town Planner