



# TOWN OF SWAMPSCOTT

## PLANNING BOARD

ELIHU THOMSON ADMINISTRATION BUILDING  
MONUMENT AVENUE, SWAMPSCOTT, MA 01907

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BILL QUINN  
DAVID ZUCKER

**STAFF**  
MARZIE GALAZKA, DIRECTOR  
MOLLY O'CONNELL, SR. PLANNER

## OCTOBER 21, 2019 MEETING MINUTES

**Time:** 7:05 P.M. – 10:11 P.M.  
**Location:** SWAMPSCOTT HIGH SCHOOL, ROOM B129, 200 ESSEX STREET  
**Members Present:** A. Ippolito, G. Potts, M. Proscia, B. Quinn, D. Zucker  
**Members Absent:** None  
**Others Present:** Jill Mann (Attorney), Rich Williams (Engineer), Dan Mills (Engineer), Margaret Cunningham (Resident), Reggie Pagan (Resident), Laura Caradonna-Dubiel (Resident), Pat Jones (Resident), Myriam Rosen (Resident), Evangelos Varvounis (Resident), Bob Perry (Resident), John McNicholas (Resident), Maria Karametsopoulos (Resident), Rich Baldacci (Resident), Kate Porter (Resident), Sergey Sokol (Resident), Molly O'Connell (Planner)

Chair Ippolito called the meeting to order at 7:05 P.M.

1. **Review and approve minutes from previous meeting (August 12, 2019).**
2. **Review and approve minutes from 2019 (March 2019).**

MOTION: B. Quinn to approve minutes from August 12<sup>th</sup> and March 2019 meetings. Seconded by G. Potts; approved (4-0-1). D. Zucker abstains as he was absent from August meeting.

3. **Public Hearing: 19SUB-3, Archer Street, 54 Foster Road, Cushing Avenue**

*Relative to Swampscott Subdivision Rules & Regulations and Zoning By-Law, the Planning Board of the Town of Swampscott will hold a public hearing at the request of ATLANTIC BAY VIEW LLC, for the property located at 54 FOSTER ROAD, ARCHER STREET/CUSHING AVENUE (Map 7, Lots 213-248, 250-255 and Map 9, Lot 616), Swampscott, MA. The hearing will review the application of a DEFINITIVE PLAN (#19SUB-3) for the subdivision of the property at 54 Foster Road as it relates to the proposed construction of a new roadway (Cushing Avenue) to service the planned independent living facility development. The proposed new roadway will become the primary access point to the independent living facility. The Petitioner is requesting waivers of regulations of Section III, Section IV, and Section V of the subdivision regulations as noted in the submission.*

Present for the petitioner was Jill Mann, legal counsel, Rich Williams, project engineer, and Dan Mills, traffic engineer. Ms. Mann gave a powerpoint presentation on the project. Cushing Avenue is a paper street that runs north to south through the proposed independent living facility (ILF) property. The applicant is proposed to develop a portion of the paper street and extend a new proposed section to intersect with Foster Road at approximately 54 Foster Road. The original access was over Vaughan Place, which at the time of the 2013 approval for the project was believed to be a public way. However, it was later discovered that Vaughan Place was never properly accepted by the Town and is in fact a private way. As certain concerns were raised during the previous public hearings in relation

Angela Ippolito  
Planning Board, Chair

to Archer Street, which would be an option for the Petitioner to use as of right, the petitioner is seeking to create an alternative access through the proposed Cushing Avenue. Cushing Ave. would be maintained as a private way, used only for access to the ILF.

The Petitioner was asked by staff to also look for a secondary emergency access point. The proposal is emergency access through Vaughan Place. A gate would be placed at the end of Vaughan for emergency access only, and a gravel underlay path to support fire vehicles would private access down to Cushing and into the property.

A. Ippolito spoke about the history of the property. The initial plan from 2013 was approved through the Zoning Board for 15 ILF units, and there were subsequent issues with access as the petitioner has described. She asked for two things: 1) an explanation for everyone present of what a paper street is and how long both Cushing and undeveloped portions of Archer Street have existed, and 2) what were the past issues with Archer Street. She noted the applicant is here tonight seeking to create access by creating a new portion of roadway that connects to a paper street.

Ms. Mann explained how the paper streets were created during the original subdivision process many years ago and have legal existence, and these streets will appear on maps even though they are not constructed. The original plan for the area created Cushing, Archer, and other roads which led out into a feeder street. In regards to the past issues raised for Archer Street – they include issues of width, as many buildings are close to the edge of the right-of-way and the right-of-way itself is very small in places. Additionally, the ZBA has asked the Petitioner to use Vaughn Place for the original access as they preferred it. However, the Petitioner does have the right to use Archer Street, should that be the only option. The Petitioner chose to explore this current route through Foster as they feel it ultimately is better. They acknowledge there are existing issues on Foster Road, but contend that the new access road will not exacerbate these issues.

D. Zucker asked the reason why Vaughan Place is no longer usable as the primary access way. Ms. Mann responded that it is a private way that was incorrectly taken by the Town, and so the Petitioner does not have rights to it.

Rich Williams, project engineer, presented the Cushing Avenue extension. The proposed slope off of Foster is essentially flat. The plan is to connect to existing utilities – water brought to the site from Foster and then eventually connected through to Archer Street. To accommodate drainage there is a large stormwater filtration center planned on site. Sewer will be a gravity fed pump into existing connections on Foster.

Planning Board members asked for more details on the intersection of Foster Road and Cushing Avenue as there is steep topography. Mr. Williams explained that Foster Road has an existing grade of 12%, which is steep, but that the turn onto Cushing would be a near-flat surface. The slope of Foster is an existing condition that the project can't change, but the flat entrance and exit onto Cushing lends itself to being an access point.

G. Potts questioned whether material will need to be taken out of the lot. Mr. Williams responded that the road matches the grade at its current entrance so they will actually be filling other portions to match. G. Potts asked about cut and fill on the rest of the project, including the height of any retaining walls. Ms. Mann responded that not all of that is refined but will be during the subsequent site plan process. Mr. Williams said there will be retaining walls that will vary in height.

A. Ippolito asked if the plan is to use the entire frontage of the lot on Foster for Cushing Avenue. Ms. Mann responded no, not all of that area would be paved roadway.

Planning Board members asked about the fire departments ability to maneuver their vehicles onto Cushing and expressed concerns about a truck entering from either slope. The petitioner has modeled the fire truck's entrance, but also is proposed the secondary access which was requested to be provided by the Fire Department as an alternative. Vaughan Place is usable for emergency access as you don't need it to be a public way in that case. There will be a gate on Vaughan – secured with either a key or touchpad at the Fire Department's request – which will be the secondary access point. Planning Board members pointed out that the comments received by the Fire Department requested greater detail. Ms. Mann responded that they plan to meet with them to address it. G. Potts and M. Proscia also commented they would like to see the turn radius for both Cushing and Vaughan Place to confirm they will suffice for emergency vehicle needs.

Dan Mills, traffic engineer, presented on the traffic study results. A study was conducted in June 2019 while school was still in session and looked at traffic counts, accident history, current conditions, vehicle speeds, and future trip generation as a result of the project. The ILF will generate approximately 12 peak am trips and 15 peak pm trips, and approximately 148 total trips per day. Data is based on the ITP calculations for residential senior adult housing. Foster Road currently carries 1,500 – 2,000 vehicles per day, which is low volume. The study also looked at the capacity of surrounding intersections and concluded there will not be significant impacts as a result of the new trips.

Mr. Mills also presented recommendations for some improvements along Foster Road which would address safety concerns and current conditions, including: signage and pavement markings, clearing for sight lines, and restricted parking areas. The petitioner is willing to participate in and assist with any improvements.

G. Potts asked about the request to increase the number of units. This request will ultimately be addressed through the site plan process which will come back before both the Planning and Zoning Boards, however the subdivision is focused solely on the creation of the new access road.

B. Quinn expressed concerns about some of the waivers requested. He also asked about using Archer as opposed to Vaughan Place for emergency access. Ms. Mann responded that Vaughan Place is easier to use for the Fire Department.

M. Proscia asked if this plan would make any improvements to Archer. Ms. Mann responded no. D. Zucker asked if Cushing Ave would connect to Archer; Ms. Mann responded no, and the petitioner will most likely abandon the rest of the rights after construction.

Board members asked about widths of the right-of-way and pavement.

A. Ippolito opened the floor for public comment.

Attorney Dave ??, representing abutter Reggie Pagan at 60 Foster Road, presented pictures to the Planning Board of past accidents on Foster Road. He described this stretch of road as unsafe with past accidents as cars come around a blind corner at a high rate of speed. The recommendations for improvements presented by the petitioner would cost the Town money. While the units will be over 55, that does not mean everyone will be retired so there will still be workday traffic. The curve of Foster Road makes is hard to make a left or right into the proposed roadway, and the road itself is proposed to be less than 44 feet. Many neighbors are also concerned about this plan.

Ms. Pagan and Laura Caradonna-Dubiel, abutter at 50 Foster Road, presented pictures of the roadway showing the sharp corner from both directions. Ms. Pagan noted that she is a retired firefighter and she does not believe an

aerial truck would be able to take the left onto the new road. People also drive in the middle of the road when cars are parked on the side and the turns are blind.

D. Zucker asked if the proposed road will go right up to Ms. Pagan's property line. Ms. Mann and Mr. Williams responded no. There is about 7 feet in between 60 Foster and the roadway, and 3 feet from 50 Foster and the sidewalk.

Bob Perry, resident of 6 MacArthur Circle, noted that in February of 2019 a fire truck was stuck trying to get up the hill at this junction. It hit a light pole, which Ms. Pagan showed a picture of.

Ms. Pagan noted that there are more accidents than the ones recorded. Many people slip down the hill and into her yard.

Margaret Cunningham lives at 68 Foster Road which is at the bottom of the hill and can attest to its steepness. There is just enough room for 2 cars to pass but in winter conditions can be less so. She also noted that cars have difficulty climbing the hill in the winter.

Laura Caradonna-Dubiel handed in pictures from the February 2019 accident, and incidents from 2017 and 2018. She stated that this would be a very dangerous intersection. Ms. Pagan also showed videos of a car trying to get up the road in the winter.

Myriam Rosen, resident of 11 Eureka Ave, noted that drivers speed up to get to Foster from Burpee Road which creates additional safety concerns. She is also concerned about drainage affects on Eureka as there are current flooding issues. She is concerned about drainage in the neighborhood, traffic patterns up and down the hill, and the potential for Eureka to become a throughway.

Pat Jones, 147 Foster Road (and former selectmen), appreciates the studies presented but has some concerns about the project. The waivers requested to design a smaller road don't eliminate the inherent safety issues, and existing similar conditions in other parts of Town reflect this. He asked if there would be a stop sign at the end of Cushing; the potential location of the sign would actually have cars stopped farther back and further create blind turns. He appreciated the recommendations to make the road safer but to ask for no parking is unfair to residents. Overall the access is lousy and is not appropriate due to safety and traffic issues. He also noted that the previous project had an independent engineer conduct a stormwater analysis and those results were inconclusive. Part of the mitigation plan calls for maintenance, but it is unclear whether this works in practice. In concept the proposal has some good ideas but in reality it falls short of what our Town requires.

A. Ippolito reads the requested waivers aloud, which were submitted in the application package.

Mr. Jones noted that the Board has heard how poor Foster Road is and this road will not be better because of this project. Additionally, the Fire Department plans on securing a larger truck and ladder, and future plans should look to accommodate those vehicles.

Evangelos Varvounis of 23 Vaughan Place, wanted a family-oriented neighborhood and does not think the development will look good next to their houses. A. Ippolito noted that while the presentation does include the increase to 22 units, the subdivision process itself is looking solely at the creation of Cushing Avenue as the new access road. The site plan portion will be discussed at a later date.

Bob Perry, 6 MacArthur Circle, said the water pressure should be checked as it is extremely low in this area. Additionally while there is a 20 mph speed limit in this area, folks still speed. The hill also freezes before anyplace else is Town.

John McNicholas, 25 Vaughan Place, stated that when plowed it is piled at the dead end of Vaughan Place where the proposed emergency entrance is. Ms. Mann noted that the Town does maintain and plow Vaughan Place, and so plans for snow removal would need to be accommodated.

Rich Baldacci, 43 Sampson Ave, asked that the petitioner stake the site and spoke about the narrowness of the street.

Maria Karametsopoulos, 39 Carson Terrace, said that even on perfect weather days drivers need to be careful and this proposal needs to be at least what is required to be safe.

Kate Porter, 65 Foster Road, spoke about pedestrian concerns and the potential for people trying to cross the street at the blind curve. The cross country team runs through this area and many people walk to the train station.

Sergey Sokol, 82 Foster Road, noted that Foster Road becomes even more narrow in the winter because of the snow banks created by plows.

A. Ippolito closed the public comment.

D. Zucker stated he has concerns about the reason for requesting the waivers being that it is to match current conditions, when some of the current conditions are issues. Ms. Mann responded that the 44 foot requirement is necessary to accommodate sidewalks on both sides of the road, however that does not make sense in this area as it is not a public way. Putting in a larger road would also create additional issues, such as sight lines and affecting turning radii.

Utilizing Archer Street, which the petitioner could also do, has issues related to street width. Board members expressed the desire to better understand both Foster and Archer street access points.

B. Quinn also expressed concerns about the requested waivers, as he is looking for waivers that provided a benefit which outweighs the risks.

Mr. Williams responded that even if no waivers were being sought, there would still be safety concerns. As proposed, there is adequate turning radius for vehicles and the entrance is larger than most movements in the neighborhood, some of which serve more housing units.

A. Ippolito stated that she would like to see the site staked to better understand the proposal and that the area of Foster is a bad location by virtue of where the house lot is. She would not necessarily have issues with waivers but is not comfortable with considering them here until more information is presented, such as a 3D drawing or modeling of the access going into the site.

Mr. Williams and Ms. Mann mentioned they could schedule a site visit and would stake the site, showing the entrance, turnaround area, etc.

Planning Board members asked that staff coordinate with traffic safety, the building inspector, and the fire department to join as well.

B. Quinn stated that while Swampscott is looking for housing, we just need to make sure it's appropriate.

MOTION: G. Potts to continue 19SUB-3 to the November 12<sup>th</sup> hearing. Seconded by M. Proscia. Unanimously continued.

4. **19SUB-2: Signature of Planning Board members on approved Definitive Plan: Subdivision at 134-140 Eastman Avenue.**

Members signed the mylar plans for the previously approved subdivision for Eastman Avenue.

5. **Potential Zoning Discussion:**

a. **Off-Site Parking**

A. Ippolito provided background on the request to allow off-site parking as a permitted use in the zoning by-law. This has become an issue in relation to Family Doctor's utilizing the closed Sunoco gas station site as off-site parking for staff, which prompted a violation notice from the Building Inspector. While the Planning Board is not in the practice of rezoning properties for a singular business or person, the question brought up about allowing off-site parking in certain contexts is worth exploring, with the caveat that the goal is not to perpetuate parking as a use in incompatible areas.

After some discussion, Board members instructed staff to provide some additional context on off-site parking from other communities and to look at the possibility of allowing flexibility through changes to the site plan regulations, rather than a zoning by-law change. Consideration should be made to allowable locations, timing, and aesthetics.

b. **Tree by-law**

A. Ippolito reported that this is a general by-law change being sponsored by the Conservation Commission. She recommends that Planning Board consider adding the language to the site plan regulations once its adopted. Staff will send around a draft copy to Board members.

c. **Marijuana Establishments**

M. O'Connell reported that the Select Board is currently reviewing draft documents related to Marijuana Retail Establishments – specifically Application criteria and Host Community Agreement Conditions. There is an interested party in Town looking to move forward with a retail site, which is allowable under current zoning regulations. Security is the top concern, however as more stores open the operations will become more normal. A. Ippolito suggests that members continue to familiarize themselves with the legislation and that the Board plan to have any changes to the Zoning By-law ready for Town Meeting in May 2020.

6. **Update on November Town Meeting warrant (A. Ippolito).**

The only zoning related item on the Fall Town Meeting Warrant is the changes to the Fee-In-Lieu section to the Inclusionary Zoning by-law. The Planning Board heard these changes at the July 8<sup>th</sup> meeting.

**7. Update on School Building Committee (D. Zucker).**

D. Zucker provided an update on the School Building Committee's progress. The Committee has hired an OPM (owner's project manager) and they are in the process of selecting a design team. The OPM will be running an Idea Exchange in January 2020 to develop a project charter. This is an important process and items folks are concerned about addressing should go into the charter. The charter will guide the schematic report which will be submitted to the Massachusetts School Building Authority. Ultimately, the MSBA selects the location; however, that selection is based on information provided by the committee. January through October 2020 will be very important months for the committee to make decision on the where, how, and what. The goal is to have the project ready for a vote at Town Meeting in Spring 2021. Additionally, the project was accepted into National Grid's performance program for energy efficiency, which will provide technical assistance for achieving energy goals for the new building.

**8. Other business that may properly come before the Board**

B. Quinn, who is also a member of the Swampscott for All Ages Committee, reported that the Town received the designation as an Age-Friendly Community by AARP. There is a celebration scheduled for Sunday, October 27<sup>th</sup> at 2 pm at the High School. A community survey geared towards elderly residents was conducted and provides a needs assessment report for the Town.

Motion to Adjourn: G. Potts and seconded by D. Zucker at 10:11 p.m.

Molly O'Connell  
Senior Planner