



# TOWN OF SWAMPSCOTT

## PLANNING BOARD

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

**MEMBERS**  
ANGELA IPPOLITO, CHAIR  
GEORGE POTTS, VICE CHAIR  
NEW GUY  
BILL QUINN  
DAVID ZUCKER

**STAFF**  
MARZIE GALAZKA, DIR. OF COMM. DEV.  
MOLLY O'CONNELL, SENIOR PLANNER

# JANUARY 13, 2020 MEETING MINUTES

**Time:** 7:05 p.m. – 9:45 p.m.  
**Location:** Swampscott High School, Room B129, 200 Essex Street  
**Members Present:** A. Ippolito, B. Quinn, M. Proscia, D. Zucker  
**Members Absent:** G. Potts  
**Others Present:** Robert McCann (attorney), Arthur Black (petitioner), Tom & Cindy Belhuemer (residents), Trevor Parsons (Resident), Sam Gregorio (engineer), Molly O'Connell (Senior Planner)

Chairwoman of the Board, A. Ippolito called the meeting to order at 7:05 P.M. She noted they will take the agenda slightly out of order.

MOTION: B. Quinn to approve meeting minutes from December 2019. Seconded by D. Zucker, unanimously approved.

## OTHER BUSINESS: 19ANR-02 – 450/500 PARADISE ROAD

Chair Ippolito gave a brief review of this project, which went through site plan approval previously and has been constructed. However, the lot lines needed to be redrawn prompting the ANR request. Andy Rose, applicant, was present to represent the application.

MOTION: D. Zucker to endorse 19ANR-02 for 450/500 Paradise Road. Seconded by B. Quinn; unanimously approved.

## SITE PLAN REVIEW: PETITION 19-32 – 60 TUPELO ROAD

[In this case, the Planning Board is reviewing a site plan and providing recommendations to the Zoning Board, who is the Special Permit Granting Authority.]

Bob McCann, attorney, and others are present to represent the petition. This request a modification of the previously approved ZBA special permit, which was conditioned to require a review of any changes. A lot of items listed in the petition did not necessarily need to come back before the Board, but in order to be comprehensive they are included. The primary reason for coming back is to finalize the landscape plan. Mr. McCann also submitted a letter from Attorney Shutzer, on behalf of Mr. Carpi, stating that they approve of the final landscape plan. However, he notes there may be issues from neighbors on the other side.

Walter Jacobs, project architect, presented an overview of the changes, which include: redesign of the elevator head at the top of the house; relocation of mechanical equipment from the roof to the back corner of the house; removal of a balcony from the 2<sup>nd</sup> floor; modification of the design of roof deck railings and front elevation materials. Additionally,

the size of the tennis court has been decreased and the elevation lowered by four feet. Additional a/c units and an emergency generator were added in the rear yard setback. The pool and retaining wall had issues, so that has been redone.

Scott Patrowicz, project engineer, was present and briefly explained the changes that went before the Conservation Commission in the back yard as they were work done in the buffer zone. The Commission approved the project and issued an Order of Conditions.

Mr. McCann noted the property was formerly owned by Mr. Kustinden, whose original design for the property did include a large pool house. Mr. Black, the current owner, has reduced the pool house in size. Mr. Jacobs had met with the Building Inspector, who noted that the building is an as-of right structure, but given the history of the property it should be brought back to the Board with the final landscape plan. Two prior zoning decisions have been included.

Mr. McCann submitted an updated landscape plan, which was approved by Mr. Shutzer/Mr. Carpi.

James Emmanuel, landscape architect, presented the new landscape plan which includes an agreed upon buffer on the side that abuts Mr. Carpi. Since the last plan, a key feature is a new birch tree, reduction of the tennis court, additional plantings next to the court area, and vegetation surrounding the a/c units. Tried to balance need for screening with desire to preserve views for the neighbors.

A. Ippolito asked if they needed to blast in order to lower the elevation of the tennis court. ??? noted that the work is complete.

Mr. Jacobs spoke to the pool house dimensions – it is about 11 feet in height and roughly 25 feet by 25 feet in size. He also clarified some of the changes mentioned on the plans with the Board members.

Mr. Patrowicz spoke to the terraces added on the south lawn, which are aesthetically pleasing but also help with drainage. All water is being pulled off site and handled. A. Ippolito noted that this was one of the few properties designed by Olmsted and he included terracing in his lawn design as well.

B. Quinn asked about the new generator, as the Board encourages them to be set closer to the house rather than the property line. The applicant stated there would be a sound enclosure.

Mr. McCann noted they are asking for the same relief as the originally approved application for consistency purposes, but they don't need the dimensional special permit or variance for the project.

The Chair opened the item for public comment.

Tom Belhuemer, 100 Galloupes Point and abutter, spoke about the history of the property which has been long and arduous for everyone. He has serious concerns about the pool house, as to his knowledge this was never there in the first place, and was never mentioned or discussed with the neighbors. With the years of work that they have had to endure and the concessions they have made for the applicant, he feels that they are being blindsided and losing their views. He has asked the applicant to lower the height of the building and/or move it closer to the existing house,

Cindy Belhuemer noted that they had emailed Mr. Black in October to express concerns about construction of the proposed pool house and to arrange a meeting, but that never happened. They have given him a lot of support to help him complete this project, and they feel this will now negatively impact them.

Trevor Parsons, 106 Galloupes Point Road, abuts the tennis court and also spoke to the long and loud construction period. They have an infant in the home and have been dealing with the noise affecting the baby. He has been

supportive throughout the project as well, maybe to his detriment. The first time he saw the dimensions of the pool house was tonight.

Mr. Belhumer also noted that he did not know about the condensers and generator being right next to his house. They were moved to take care of Carpi's concerns but now they will affect the other neighbors.

A. Ippolito noted that this property does have a long history, and not all of that is Mr. Black's. She asked the neighbors specifically what about the site plan could be changed to mitigate concerns. Mr. Belhumer stated lowering the pool house to 8 feet and moving it closer to the main house. Whatever moves they can make within the setbacks, he wants them to make. Mr. Parsons would also like the building height to be lowered.

The Board did not have any other main issues of concern, other than what has been discussed.

Mr. Black spoke to address the process. He has worked with Mr. Shutzer/Mr. Carpi for a while and hope that has been a productive process. The reason he did not reach out to other neighbors is that he did not think the pool house would interfere with their views. He reduced it in size from Mr. K's plans, and he is surprised by the response. He would like to proceed with what is proposed but is certainly willing to continue the conservation. On the other hand, he wants to get his family into the house and end construction.

D. Zucker asked how the pool house height was determined. Mr. Black said it matches the height of the first floor of the main house. Mr. Jacobs noted that roof is flat but pitched slightly to shed water, and he showed some renderings to the Board. The ceiling height inside is about 9 feet and there is some insulation as they would like to use the building in the winter. Mechanicals are located in a bunker.

A. Ippolito outlined the process for the neighbors – noting that the Zoning Board of Appeals is the permit granting authority in this case. Board members also noted they would like to see any efforts towards further sound reduction/concealment of the units located in the rear yard. Ultimately, the biggest issue is the pool house and there was a debate on the best way to make a recommendation. D. Zucker would like renderings of the neighbors views to be drawn so there is a better understanding of the actual effect of the completed structure.

MOTION: D. Zucker moves to recommend favorable action on Petition 19-32, with a condition that the Petitioner stake out the four corners of the pool house and provide renderings of the completed pool house from the view of the neighbors at the height at which they will be looking at the structure so they will have the fullest possible understanding of the impacts. Based on this, it is recommended all parties have a discussion prior to the Zoning Board meeting to see if an agreement can be reached. Seconded by M. Proscia; unanimously approved.

## PUBLIC HEARING: DEFINITIVE SUBDIVISION PLAN 19SUB-3,

Chair Ippolito gave a brief overview of the item and noted the Board will be continuing it to the February meeting. Based on the discussion during the December meeting, the Board wanted additional information in regards to the traffic impacts and the overall safety of the proposed roadway extension. To that end, the Board engaged a third-party consultant, TEC, to conduct a peer review of the traffic report and other related documentation submitted. There is a preliminary report from TEC to discuss tonight, and in order for that to happen this item will need to be continued.

MOTION: D. Zucker to continue 19SUB-3 to the February 2020 meeting. Seconded by M. Proscia; unanimously approved.

## DISCUSSION: TEC PEER REVIEW

Sam Gregorio, senior traffic engineer, is present from TEC and here to discuss the preliminary review. They reviewed the traffic report the applicant submitted, as well as other documentation and submitted a letter to the Board going over those items inside the traffic study and the site plan. The traffic study follows the standards issued by MASSDOT, and they are comfortable with the traffic counts that were conducted as they were done during school in June, which is usually a higher than average month. TEC has asked the applicant to provide that data for documentation purposes.

[Sam Gregorio] No specific crash trend was identified. That being said, the steep grade on Foster and the fact that three of the crashes in the study were directly snow related suggest that this is tied together. He also noted a new manual came out which would affect the LOS calculated for the intersection at Burpee and Essex Street, and there is an opportunity to correct signal timing at this location which would alleviate some of the issues. There is no future year analysis, which they typically like to see, although the traffic counts are generally minimal and done through the ITE standard which is what they like to see applicant's use.

[Sam Gregorio] In regards to safety, TEC looked at the sight lines from Cushing to Foster and how those relate to safety standards. The left turn from Foster onto Cushing meets the AASHTO guidelines, however there are concerns just because of previous accidents. They have a concern about one of the sight lines from Cushing turning right onto Foster; there is currently a series of telephone poles that would block the sight line. Applicant has noted the pole would be moved and TEC would like to see where. Additionally, the location of the adjacent driveway where a car could be legally parked could obstruct sightlines. They request the applicant to document the visibility line on the plan (14.5 feet back from the curb line). It is the applicant's burden to provide the sight line documentation. TEC has no concerns about sight line taking a left onto Foster from Cushing.

[Sam Gregorio] In terms of site plan – TEC has not provided a direct recommendation on waivers but has included some comments. The secondary fire access route materials should be specified and TEC would suggest Fire Department signoff for approval. TEC also needs additional turning templates for fire vehicles – there is one for the secondary access but not for the turnaround in the cul de sac. This would also need Fire Dept. approval. A 5-foot sidewalk is proposed on one side of the roadway, which is a waiver request. TEC would ask that the sidewalk extent around the cul de sac to that it reaches all the houses. TEC would also suggest the sidewalk be relocated to the other side of the roadway, as where it is currently does not lend itself to a natural crosswalk at Foster Road because of the adjacent driveway. If the Board was looking to provide a crosswalk connection to the sidewalk on Foster, the sidewalk would be better on the north side of the driveway. The width of the proposed road is 24 feet, whereas regulations are generally 28 feet and this is to accommodate a fire truck. The question is if a car was broken down, could the fire truck get by that car. The Fire Dept. should approve. The squeeze point at the rear of the property hinders a larger width and the addition of green strips, but this does not hinder the transportation function.

A. Ippolito has concerns about adding a crosswalk, regardless of which side the sidewalk is on, because cars generally do not stop. Mr. Gregorio noted that crosswalks tend towards slowing people down, and the speeds on that road are 24 mph or lower. He suggests the north side of the driveway as it provides better visibility.

[Sam Gregorio] If the applicant has ramps put in at any location, that will need to be noted in the site plan. The applicant did provide a signing and striping improvement plan which showed stop signs, and these should be on the site plan. He reviewed the applicants proposed mitigation along Foster Road, and noted that TEC does not disagree with having curvature signs but they need to be placed at MUTCD standards and can't block driveways or views. TEC has a list of items for the applicant to address and some items for Town staff. Other items will be determined whether or not the Town wants to see certain things.

D. Zucker requested TEC to pull out action items so the applicant/each department knows what they need to respond to. He also requests that this final report go to the Fire Department.

Mr. Gregorio stated that, regardless if the applicant has met standards, his comment would still say Fire Department approval needed as they are the ones that need to be comfortable.

The Board members and Mr. Gregorio discussed the importance of sight lines. TEC has requested the applicant provide updated plans showing sight line triangles and noted their concern about the potential for the sight line from Cushing Ave looking up the hill. These should also be normally provided for documentation purposes. Board members asked what would happen if abutting properties were to put up fences. Mr. Gregorio replied that it is the responsibility of the applicant to make sure the sight line is clear in the right of way.

A. Ippolito asked about construction vehicles and how those effects could be mitigated. Mr. Gregorio said that a possible condition could be that the applicant could not use vehicles that hinder the transportation safety of the roadway, and that could be included in a construction management plan.

The Board members and Mr. Gregorio briefly discussed how alternative analysis is done for large sites. There are concerns since the other access point is off of Archer Street, however D. Zucker noted the Board wouldn't ask for an analysis of Archer Street as this project is not permitting the use of Archer.

The Board asked staff to specifically get responses from DPW and the Fire Dept. prior to the next meeting.

Meeting ended at 9:45 p.m.

Molly O'Connell  
Senior Planner