



# TOWN OF SWAMPSCOTT

## PLANNING BOARD

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

**MEMBERS**  
ANGELA IPPOLITO, CHAIR  
GEORGE POTTS, VICE CHAIR  
MIKE PROSCIA  
BILL QUINN  
DAVID ZUCKER

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

# FEBRUARY 10, 2020 MEETING MINUTES

**Time:** 7:09 p.m. – 10:09 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:** Jill Mann (attorney), Rich Williams (engineer), Dan Mills (engineer), Sam Gregorio (engineer), Molly O'Connell (Senior Planner)

Chairwoman of the Board, A. Ippolito called the meeting to order at 7:09 P.M.

MOTION: D. Zucker to approve meeting minutes from January 2020. Seconded by M. Proscia. Unanimously approved.

## CONTINUED - PUBLIC HEARING: DEFINITIVE SUBDIVISION PLAN (19SUB3), ARCHER STREET, 54 FOSTER ROAD, CUSHING AVENUE

Chair Ippolito introduced the item.

Jill Mann, Rich Williams, and Dan Mills were present for the application. As there was a lot of discussion at the previous hearing in December related to traffic and safety, the Planning Board decided to procure a third-party review of the traffic study and analysis and selected TEC as the consultant. The applicant has responded to both of TEC's review letters.

Ms. Mann states that, as a result of the TEC review analysis, this project does not impact level of service, the traffic estimates are accurate, and that they have addressed other issues brought up by TEC in their response. They have provided a refuge area at the entrance that was requested by the Fire Department, and it will be signed to say No Parking. As to sight line distance, the applicant is providing the minimum required for safety. A concern brought up by TEC was that a resident could put up a fence as the structure could block the site distance. She notes that Swampscott's bylaws do not permit someone to put up a fence that obstructs site distance and the applicant can show that a vehicle has a clear view at 8.5 feet. In regards to construction, the applicant estimates that the construction of the Cushing Ave extension would take approximately 20 days.

Ms. Mann reiterated that the emergency access road will be maintained by the condo association. The applicant has responded to other DPW comments including connecting to the force main and tree trimming. DPW and TEC concur with Mr. Mills suggestion for no parking signs on the curve of Foster Road. DPW does not recommend a crosswalk at that location but the applicant has extended the sidewalk through the cul de sac. The applicant will also relocate the telephone pole so that it is not in the sight lines.

D. Zucker noted that he appreciated the revisions to the plan. On sight lines, he understands the bylaw reference but questions whether or not this can occur with a car parked in the driveway. Mr. Mills responded that there is still ample site distance, and this is a temporary condition, which requires cars to pull further a little more.

Mr. Gregorio stated that he looks to AASHTO standards and their requirement for minimum site distance is 14.5 feet. Eight feet could be considered reasonable, but it is not up to the standard. He is not sure if something like this could cause a legal liability for the Town long term, if it was approved.

Ms. Mann restated that the bylaw says that obstructing the sight distance is not allowed, and D. Zucker noted that even if a fence were to go up, then we would be looking at the 8 feet instead of 14.5. The applicant clarified that the stop sign is at 10 feet.

The Board members discussed the clearing of the vegetation on Foster. Even if the tree is privately owned, a portion hangs into the public way and therefore the Town has the right to trim. Along Cushing Road, standard street trees are proposed.

The Board discussed the updated fire apparatus turning templates, which now include the ladder truck which is the largest vehicle.

M. Proscia asked about DPW's determination for no crosswalk across Foster Road. Ms. Mann noted that they would be willing to put in a crosswalk or sidewalk connection but there are disturbance issues with that. She also noted ADA ramps have been placed throughout the development at the recommendation of TEC, and the ramp at the terminus spills into Cushing, not Foster. M. Proscia remains concerned about pedestrian connectivity.

A. Ippolito is concerned about the access road supporting large vehicles. Mr. Williams responded that it will be a gravel road, until finished, and it will be up to FHA standards.

D. Zucker asked if the applicant is willing to meet all of the conditions that TEC has requested, as well as the items that DPW and Fire have requested. Ms. Mann responded yes.

The Board members and the applicant reviewed the requests from DPW and the Fire Department, including signage and the area of refuge.

A. Ippolito asked about the original proposal which went through Vaughn Place and the resolution of that appeal. Ms. Mann replied that it was determined that Vaughn Place is a private way and all abutters a part of that particular litigation could not object to any other access. However, the private nature of the road does not preclude access for public safety. To have taken the road, the Town would've had to do so by eminent domain.

A. Ippolito discussed her concerns which are related to safety, including sight lines and the requested waivers.

Mr. Gregorio stated that the applicant has addressed most of the comments. He noted the speed signs would need to be approved by MassDOT. Per sight lines, it is still TEC's position that it is not up to standard and he notes concerns related to the history of crashes coming down the hill and the grade of the road. He does not know whether it would be a future legal question for the Town.

Mr. Gregorio and D. Zucker discussed the sight lines, location of the stop sign, and the sight line standards. Mr. Gregorio noted that the 14.5 feet is for the worst case scenario which is why it is the standard.

Mr. Gregorio reviewed other TEC comments, many of which are recommended conditions of approval.

D. Zucker asked the applicant to comment on the potential liability for the sight line. Ms. Mann responded that there is none as it is based on what is reasonable vs. what is unreasonable.

The Board members briefly discussed the relocation of the utility pole.

The Board asked about lighting on the new roadway. Mr. Williams responded that they were not planning on lighting the section between the homes and Cushing Avenue to be sensitive to the neighbors.

The meeting was opened up to public comment.

An abutter asked about how personal driveways will be protected and separated from the new road. Mr. Williams responded that there will be curbing on either side of the road, and a sidewalk on one side, with street trees every forty feet to delineate the roadway.

Ron Perry, MacArthur Circle, stated he has had cars from the current 54 Foster tenants park and drive on his garden. He has concerns about construction parking and truck traffic. He states the project will destroy the neighborhood. A. Ippolito noted that construction management is a topic the Board is concerned with.

Ms. Mann stated the project was always going to impact Foster Road, even as previously permitted. She notes this portion of Cushing will take about 20 days to do. Employees will park on site, and there is enough room for a staging area.

A. Ippolito asked if all the trees on the larger site will be cut down. Mr. Williams replied that the edges of the property will remain treed. She and Mr. Williams briefly discussed stormwater and earth removal issues. The plan is to reuse material on site as a cut and fill. Mr. Williams estimates about 1.5 years of construction if timing is right.

Laura Videtta, 31 Eureka Ave, asked if this project will be going on at the same time as Machon school. Ms. O'Connell replied that Machon school construction should start this spring.

B. Quinn stated that there are always impacts and nothing goes as fast as planned. These items (such as construction management) should be written into future documents, especially site plan.

Sergei Sokol, 82 Foster Road, expressed his general concern. The sight line doesn't show the retaining wall, and he has concerns about people making a left turn from Foster onto Cushing and not slowing down or stopping. He also asked who enforces the conditions on the condo association, especially throughout construction. He does not agree with the traffic assessment. He also notes that water pressure is not great in the area and this will make it worse.

Ron Perry, Macarthur Circle, reiterated that the current tenants park in front of his property, so why wouldn't construction workers? He does not understand how a street could be allowed in this location.

Laura Caradonna-Dubiel, 50 Foster Road, noted the calls involving traffic from the police station. While only one got reported to the registry, there are other issues listed including hazardous conditions. The biggest accident being the telephone pole crash, which also involved a police car. This is just the items the police were called for, and not everything that has happened.

John, Vaughn Place resident, said all of these safety conditions exist, and the new road will enhance that safety problem.

The Board members briefly discussed the retaining wall, which is about 3.5-4ft in height but is located outside the sight line.

Ms. Mann noted that in regards to construction parking, DPW is on site regularly and there will be construction meetings with the Town. Any violations could result in the Town taking away the permit.

M. Proscia asked if the two existing maple trees at 54 Foster will be staying. Ms. Mann said yes.

Ms. Mann stated the Town will be responsible for monitoring whether the condo association is in compliance. The association would need to comply with the Operation & Maintenance Plan.

Mr. Williams stated he would expect an improvement in water pressure from the work proposed. They will loop to the main line. The water line will come from Foster through the site and tie into Archer.

Mr. Mills spoke to the retaining wall and that it doesn't have an impact on sight lines. The applicant is willing to work with DPW on signal timing, as noted by TEC. In looking at the police calls, he sees 2 motor vehicle accidents, one located well past Vaughn Place. There were 67 weather events in the past two years – snow or freezing rain – and according to this report less than 2 motor vehicle accidents during that time.

Neighbors noted that hazardous conditions are common on this road, and there are incidents where the Fire Department couldn't get up the hill even with chains on it.

The Board members noted that this is one of the reasons why this project has been delayed and why the Board asked for additional comments from the Fire Department, which have been provided. The question is how the proposed road affects those conditions.

Mr. Sokol stated it will be worse because there will be 22 more units.

Ms. Mann notes that what the petitioner has provided doesn't necessarily solve the problem that exists on the hill, but it does not exacerbate it.

Mr. Gregorio stated his comments have not changed – he has concerns about the sight lines, knowing the history of the hill.

The Planning Board closed public comment.

M. Proscia noted the driveways on either side of the curb cut are close to the roadway. He asked whether or not there are standards for distances between curb cuts and roads. Mr. Gregorio noted that generally there is, however there is not one located in the Town bylaws.

B. Quinn noted that he has concerns but does not have the data to back it up. There are also still more steps for the petitioner to go through. The Construction Management Plan will be a key tool.

D. Zucker stated that the passionate involvement of the neighbors is the reason there have been so many hearings and the reason the Board brought in a third-party expert. Having TEC input in conjunction with staff comments has been helpful. On a rational reasonable basis he is not sure this project has a negative impact.

M. Proscia noted there has been a lot of back and forth. The proposed roadway is designed to be as good as it can be. He still has a few issues related to the crosswalk and driveway locations, as mentioned, and wonders about future development impacts.

A. Ippolito is strongly against the project. Her interpretation of Mr. Gregorio's comments was that there is still a sight line issue and there is a real concern here when the road is snowy. So much of the bylaw is based on safety, and that's why there are rules and regulations and why we look at standards. She is not convinced that the location of the road is safe. She has a lot of appreciation for the extent of the work that has been done, but taking everything into consideration she is not in support. She does not think it is safe or the right way to access this site.

The Board members and Ms. Mann briefly discussed the possible access point from Archer Street.

A. Ippolito reviewed older staff comments for the Board's reference.

D. Zucker noted that the grade of the existing road is not safe which the Board generally agrees with, but that doesn't mean we can't and shouldn't allow an intersection to be created with that road. The Applicant is not responsible for existing road conditions. M. Proscia notes that they are responsible for exacerbating it, however D. Zucker looks to the information provided showing that is not the case.

Mr. Williams stated that any time there is a road added to add housing, it does not increase the safety because adding traffic naturally creates additional opportunities for impact. However, that doesn't mean the Planning Board doesn't approve additional housing because of that.

Ms. Mann stated that the charge was to determine whether or not the addition of this particular road increases the issue. The Board has heard from experts and from staff that it doesn't impact safety.

A. Ippolito still has issues and thinks the public comments are just as valid as the data.

D. Zucker agreed that there is plenty of anecdotal evidence about safety conditions on this road, which has to be put in the equation with everything the Board has heard. In order to deny it, the Board would be denying the findings of an independent traffic expert and Town staff.

M. Proscia notes that his conclusion from the data is that it is meh – fine.

Mr. Gregorio noted that he did not make a claim as to the road being safe or unsafe. The traffic volume is insignificant. Based on sight line standards, he still maintains there is a sight line issue with the turn out of Cushing onto Foster.

D. Zucker asked how much weight does the Board give the worst case scenario when discussing safety? Because the worst case could happen is that a reason to say it's unsafe?

M. Proscia noted that there are no recommendations to approve, only recommendations for conditions if approved. He also noted DPW's rejection of the crosswalk – which may be because of the curve and which could be a safety hazard.

The Board discussed how to move forward and discussed pedestrian safety. Ms. Mann noted the Board could ask for a pedestrian connection from the development to Archer street, which the applicant could provide. The Board asked for clarification from DPW on why they do not support a crosswalk across Foster.

The Board closed the public hearing and will reconvene at the March 9<sup>th</sup> meeting, and the purpose will be to vote on the item. No additional comment will be taken – the only additional item coming in will be clarification from DPW on the crosswalk.

MOTION: B. Quinn to continue the item to March 9<sup>th</sup>; Seconded by D. Zucker. Unanimously approved.

Meeting ended at 10:09 p.m.

Molly O’Connell

Senior Planner